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THE EFFICIENCY OF ENSURING THE FINANCIAL SECURITY OF ARMENIA: NEW APPROACHES

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Abstract: Financial security is considered a subsystem of the economic security system. The financial security of the Republic of Armenia is one of the most urgent issues of study and analysis. Covid-19 and the 2020 war in Armenia harmed all sectors of the Armenian economy, especially economic and financial security. At this moment, the research of the chosen topic becomes more than necessary and urgent. In the current post-crisis period, financial security is more than possible in Armenia. In this article, we tried to define and analyze the elements affecting the security of the Armenian financial system and evaluate the current effectiveness of financial security. For that purpose, we have formulated the following research questions: How are countries' financial security assessed? What elements ensure financial security in Armenia? Is the current system of financial security effective in Armenia? The applied methodologies are quantitative and qualitative. In particular, we used index analysis, graphical analysis, comparison, and expert evaluation analysis to answer the research questions. The analysis results showed that the change of isolated factors significantly impacts indicators of the country's economy, particularly the financial system; moreover, the factors indirectly impact the country's social, political, and public life.

Keywords: Financial System; Security; Efficiency; Index; Indicators

INTRODUCTION

In current conditions, ensuring the country's financial security is impossible without the state's sustainable economic development and effective mechanisms for the protection of the economic sector, which is crucial for the viability of society. Many quantitative-qualitative indicators allow for objective and systematically assessing the country's financial stability level. Based on the change in these indicators, conclusions can be drawn about the effectiveness of financial security policies.

Quantitative indicators have a certain threshold, the crossing of which indicates financial security threats. Financial security thresholds are based on macroeconomic indicators that reflect

vital national interests. The threshold of financial security indicators is conditional and mainly based on expert assessments. These indicators are generally not normative and are intended for direct analysis.

We have singled out the following three areas, from which arise the main risks that affect the security of the Armenian financial system:

1. Risks arising from the country's macroeconomic environment
2. Risks arising from the financial banking system
3. Risks from the external environment.

To assess the risks arising from these directions, we have observed the dynamics of nine indicators during 2010-2021. In this article, we explore the following research questions:

1. How is the financial security of countries assessed?
2. What elements ensure financial security in Armenia?
3. Is the current system of financial security effective in Armenia?

Accordingly, we propose a method for describing the effectiveness of financial security in Armenia, which allows us to assess the effectiveness of financial security in previous periods and make specific predictions through scenario testing.

DEFINING FINANCIAL SECURITY

The security of the financial system has always been used, but since the 1990s, it has been the subject of discussion by many authors and international organizations. The authors often use the terms financial security and financial system stability, the contents of which are close to each other. This article will use the term financial system security, the most comprehensive description of the topic under discussion.

The greater emphasis on financial stability is related to several significant trends in financial systems during the past few decades. These trends reflect the expansion, liberalization, and subsequent globalization of financial systems, all of which have increased the possibility of more significant adverse consequences of financial instability on economic performance.

There are many books and articles on the security of the financial system in which the authors place different emphases on its definition; some have defined it in terms of what it is a situation in which financial imbalances impair the real economy (Crockett 1997; Davis 2002). Haldane (2004) defines financial stability using a simple model in which asset prices serve to secure the optimal level of savings and investment. Others take a macro-prudential viewpoint and specify financial stability as limiting risks of significant actual output losses associated with episodes of systemwide financial distress (Borio 2003). Garry J. Schinasi (2006) has a comprehensive definition of financial system stability:

Financial stability is a situation in which the financial system can satisfactorily perform its three essential functions simultaneously. First, the financial system is efficiently and smoothly facilitating the intertemporal allocation of resources from savers to investors and the allocation of economic resources generally. Second, forward-looking financial risks are assessed and priced reasonably accurately and

relatively well managed. Third, the financial system is in such a condition that it can comfortably, if not smoothly, absorb financial and real economic surprises and shocks (p. 82).

We agree with this definition, and as a summary, we define the security of the financial system as follows: The security of the financial system is a situation when the financial system can ensure the country's sustainable economic growth and absorb system shocks.

METHODS FOR ASSESSING THE FINANCIAL SYSTEM SECURITY

The financial system's security is assessed by several indicators characterizing the financial sector, for which threshold values are set. Policymakers and academic researchers have focused on many quantitative measures to assess financial stability. The set of Financial Soundness Indicators developed by the IMF (2006) are examples of such indicators, as are the monitoring variables used in Hawkins and Klau (2000), Nelson and Perli (2005) and Gray *et al.* (2007), which focuses on market pressures, external vulnerability and banking system vulnerability.

The indicators are presented in Table 1.

Table 1: Financial System Stability Indicators According to the IMF (Source: IMF webpage 2021)

I001	Ratio of total regulated capital to risk-weighted assets
I002	Ratio of regulatory capital to risk-weighted assets
I004	The ratio of non-performing loans to total loans
I006	Profitability by assets
I007	Profitability by capital
I010	Ratio of highly liquid assets to total assets
I011	The ratio of highly liquid assets to demand liabilities

The indicators refer to and focus on the banking system, which suggests that the stability of the financial system, which is considered to be its component, is more critical in the stability of the financial system.

Based on the above conclusion, financial system security policymakers and implementers do not have a different methodology. The effectiveness of the security of the financial system by a combination of quantitative and expert assessment.

The universal method of banking system security is the integrated method, as it assesses the financial security of the banking system based on critical indicators: yield, liquidity, capital adequacy, and capital growth rate.

This method is based on V. V. Kovalenko's methodology (2013, 81), according to which the calculation of the integrated assessment of the level of financial security of the banking system consists of the following stages:

1. Development of essential criteria.
2. Normalization of criteria.
3. Determination of weighted coefficients.
4. Integral index calculation.

Kovalenko offers the following as fundamental indicators:

1. Bank asset to GDP ratio.
2. The level of dollarization of the banking system.
3. The ratio of gross external debt to GDP.
4. The share of foreign capital in the gross banking capital.
5. The share of problem loans in the net assets of the banking system.
6. The ratio of banks' own and borrowed funds.
7. Regulatory capital adequacy.
8. Net interest margin.
9. Bank asset to GDP ratio.
10. The level of dollarization of the banking system.
11. The ratio of gross external debt to GDP.
12. The share of foreign capital in the gross bank capital.
13. The share of problem loans in the net assets of the banking system.
14. The ratio of banks' own and borrowed funds.
15. Regulatory capital adequacy.
16. Net interest margin.

The next stage is normalizing baseline indicators, which is necessary to bring them to comparable values. This stage is needed because when calculating the integral grade, completely different baseline indicators are used, which can differ quantitatively and qualitatively. In addition, the selected indicators may have different effects on the result; for example, the increase of some indicators may lead to both an increase and a decrease in the level of security of the banking system. The same can happen if some indicators decrease. If the selected indicators are combined in one model, it is impossible to get a good grade, so they are normalized, i.e., brought to a single scale. Kovalenko suggests normalizing the indicators as follows:

$$1) X_{\text{norm } j} = \frac{X_{\text{max } j} - X_j}{X_{\text{max } j} - X_{\text{min } j}}, \text{ where}$$

$X_{\text{norm } j}$ is the normalized j-index,

$X_{\text{max } j}$ - the maximum value of the third indicator in the selected period,

$X_{\text{min } j}$ - the minimum value of the third indicator in the selected period,

x_j - the value of the third indicator in the given period.

For the determination of weighted coefficients, the assessment of weights for each indicator $g_{i,t}$, the determination of weights for each indicator, the integral assessment is used.

The authors propose to calculate the integral grade as follows:

$$2) I_{f,s} = \sum_{t=1}^n I_{i,t} * g_{i,t}, \text{ where}$$

$I_{f,s}$ is the security index of the banking system in period t ,

$I_{i,t}$ is the normalized value of the third baseline in period t ,

$g_{i,t}$ is the weighted value of the third baseline in period t .

Moreover, all $I_{i,t}$ meet the following condition:

$$0 \leq I_{i,t} \leq 1$$

$$\sum_t I_{i,t} = 1$$

Each weighted coefficient $g_{i,t}$ is normalized $0 \leq g_{i,t} \leq 1$. Moreover, the closer the value of $g_{i,t}$ is to 1, the more optimal the index.

After performing the calculations, the authors propose to set the threshold values of the integral index for their comparison or to analyze the change of the indices in the dynamics.

FINANCIAL SYSTEM SECURITY ASSESSMENT FOR THE REPUBLIC OF ARMENIA

As we mentioned in the previous part, to assess the security efficiency of the financial system in Armenia, we have relied to some extent on the integrated method. However, we chose the coefficients based on our research on the financial system of Armenia. We have grouped these indicators according to the risks arising from the following directions

1. Risks arising from the macroeconomic environment of the country
2. Risks arising from the financial-banking system
3. Risks from the external environment.

Thus, we have presented the security of the financial system as a function depending on the following coefficients. It will mathematically look like this:

$$3) FS = f(D + ND + I + IR + PBD + IC + CE + BA + BP), \text{ where}$$

FS is the Financial Security Index

D is State Budget Deficit/GDP%

ND is National Debt/GDP%

I is Annual Actual Inflation Rate%

IR is International Reserve/GDP%

PBD is Balance of Payments Deficit/GDP%

IC is Fixed Capital Investments/GDP%

CE is Capital Adequacy%

BA is Bank Asset/GDP%

BP is the profitability of the banking system by capital%.

Moreover, based on the general logic of financial security, the efficiency of financial security will be high if:

1. The state budget deficit/GDP ratio should be equal to the set threshold:

$$D \leq D_t \text{ or } \Delta D = D - D_t \leq 0$$

2. The government debt/GDP ratio should be equal to the set threshold:

$$ND \leq ND_t \text{ or}$$

$$\Delta ND = ND - ND_t \leq 0$$

3. The actual annual inflation rate should be equal to the forecasted threshold:

$$I \rightarrow I_t \text{ or } \Delta I = I - I_t = 0$$

4. The international reserve/GDP ratio should be as high as possible:

$$IR \rightarrow +\infty \text{ or } \frac{1}{IR} = 0$$

5. The balance of payments deficit/GDP ratio should be as low as possible,

$$PBD \rightarrow 0$$

6. IC Fixed capital investments/GDP ratio as high as possible:

$$IC \rightarrow +\infty \text{ or } \frac{1}{IC} = 0$$

7. The capital adequacy ratio should be equal to or greater than the normative index:

$$CE \geq CE_t \text{ or } \Delta CE = CE_t - CE \leq 0$$

8. The bank assets/GDP ratio should be as high as possible:

$$BA \rightarrow +\infty \text{ or } \frac{1}{BA} = 0$$

9. The profitability of the banking system by capital should be as high as possible:

$$BP \rightarrow +\infty \text{ or } \frac{1}{BP} = 0$$

Let us call the sum of the obtained indicators the absolute efficiency factor of Financial Security K_{FS} .

Therefore, the coefficient will have the following equation:

$$4) K_{FS} = \Delta D + \Delta ND + \Delta I + \frac{1}{IR} + PBD + \frac{1}{IC} + \Delta CE + \frac{1}{BA} + \frac{1}{BP}$$

Based on the above equation, the financial security indicator will be effective if:

$$K_{FS} \leq 0$$

Based on the mentioned formula, let us present the calculation of the absolute efficiency factor of financial security for Armenia, according to 2010-2021.

Table 2: Absolute Efficiency Indicators of Financial Security 2010-2021

(Source: Statistical Committee of the Republic of Armenia 2022, and authors' calculations)

Year	$\Delta D \leq 0$	$\Delta ND \leq 0$	$\Delta I = 0$	$1/IR \rightarrow 0$	$PBD \rightarrow 0$	$1/IC = 0$	$\Delta CE \leq 0$	$1/BA = 0$	$1/BP = 0$
2010	-0.025	-0.20	-0.05	0.048	0.14	0.03	-0.02	0.022	0.09
2011	-0.047	-0.18	-0.01	0.055	0.10	0.04	-0.06	0.018	0.10
2012	-0.061	-0.19	0.01	0.055	0.11	0.04	-0.05	0.016	0.09
2013	-0.059	-0.19	-0.02	0.063	0.08	0.04	-0.05	0.014	0.11
2014	-0.056	-0.16	-0.01	0.055	0.07	0.05	-0.03	0.013	0.22
2015	-0.027	-0.11	0.04	0.078	0.03	0.05	-0.04	0.015	0.25
2016	-0.020	-0.03	0.05	0.061	0.01	0.06	-0.08	0.013	0.17
2017	-0.027	-0.01	0.01	0.056	0.02	0.06	-0.07	0.013	0.17
2018	-0.058	-0.04	0.02	0.054	0.07	0.06	-0.06	0.012	0.19
2019	-0.065	-0.06	0.03	0.069	0.07	0.06	-0.06	0.011	0.13
2020	-0.021	0.07	0.02	0.045	0.04	0.06	-0.05	0.009	0.14
2021	-0.022	0.01	-0.03	0.044	0.04	0.05	-0.05	0.010	0.15

Now let us calculate the absolute efficiency index of financial security for 2010-2021.

Table 3: Absolute Efficiency of Financial Security 2010-2021 (Source: Authors' calculations)

Year	K_{FS}	Year	K_{FS}
2010	0.026	2016	0.232
2011	0.021	2017	0.219
2012	0.023	2018	0.249
2013	-0.006	2019	0.191
2014	0.161	2020	0.318
2015	0.277	2021	0.192

As presented above, the model would be a financial security indicator effective, if $K_{FS} \leq 0$, however, we see from Table 3 that the absolute efficiency index tends to the target 0, but in recent years, especially in 2020, has a growth trend, which in this case it is a negative phenomenon. In 2014, due to the decrease in the profitability of the capital banking system, there was also a significant change in the index. From the data, it can be concluded that in 2020 the index will be negatively affected by the State Budget Deficit/GDP change and Public Debt/GDP. The best indicator for the observed period was registered in 2013 - 0.036.

In 2020, the lowest level of the financial security index was recorded, in which Public Debt/GDP, International Reserves/GDP and Investments in Fixed Capital/GDP changed negatively. At the same time, the indicators started to change from the first half of 2020 due to Covid-19 and maintained a negative direction in the second half due to the war situation. It can also be concluded that absolute adequate financial security is possible only in theory, as in practice, this coefficient will always be greater than 0. To increase the practical significance of the coefficient, give each coefficient selected in the model a coefficient corresponding to its weight. We used qualitative and quantitative expert evaluation methods to give appropriate weights to the selected 9 indicators in the model.

In particular,

- The indicators were provided by 7 leading experts in the field of finance in Armenia, who are engaged in scientific research activities, who gave each of the 9 indicators corresponding points on the latter's impact on the security of the financial system in Armenia.
- The experts answered the following: "Assess the impact of each indicator on the security of the RA financial system on a scale of 1-10".
- The experts conducted the assessment independently of each other, not knowing in advance the content and objectives of the research.
- Each indicator had an equal chance of getting the minimum or maximum score.

The result is the following.

Table 4: Coefficients of Indicators Affecting the Security of the RA Financial System
(Source: Authors' calculations)

Indicator	Rate							Total	Index's Coefficient in the Model
State Budget Deficit/GDP%	8	7	10	10	9	4	8	56	0.8
National Debt/GDP%	8	9	10	10	10	6	9	62	0.885
Annual Actual Inflation Rate%	6	5	4	9	9	5	5	43	0.614
International Reserve/GDP%	7	5	8	10	7	4	9	50	0.714
Balance of Payments Deficit/GDP%	8	6	9	10	9	5	8	55	0.785
Fixed Capital Investments/GDP%	9	8	7	8	8	6	7	53	0.757
Capital Adequacy%	7	7	4	10	8	9	7	52	0.742
Bank Asset/GDP%	7	6	4	8	6	8	5	44	0.628
Profitability of the Banking System by Capital%.	7	8	3	7	7	7	6	45	0.642

According to the expert assessment, the 3 most important indicators are the State Debt/GDP, state budget deficit/GDP and Balance of Payments Deficit/GDP indicators. It should be noted that no indicator received 0, which suggests that the correct indicators were selected from the beginning.

As a result, the adjusted model for assessing the effectiveness of financial security as a result of an expert assessment looks like this:

$$5) K_{FS} = 0.8\Delta D + 0.9\Delta ND + 0.6\Delta I + \frac{1}{0.7IR} + 0.8PBD + \frac{1}{0.7IC} + 0.7\Delta CE + \frac{1}{0.6BA} + \frac{1}{0.6BP} + 2.43$$

After some math, the model will look like this:

$$6) K_{FS} = 0.8\Delta D + 0.9\Delta ND + 0.6\Delta I + 1.4IR + 0.8PBD + 1.4IC + 0.7\Delta CE + 1.7BA + 1.7BP + 2.43$$

Now let us calculate the relative efficiency of the security of the RA financial system for 2010-2021.

Table 5: Relative Efficiency of Financial Security 2010-2021 (Source: Authors' calculations)

Year	K_{FS}	Year	K_{FS}
2010	0.011	2016	0.134
2011	-0.006	2017	0.133
2012	-0.007	2018	0.158
2013	-0.036	2019	0.119
2014	0.073	2020	0.230
2015	0.146	2021	0.132

As we can see from the data in Table 5, the relative security index of the financial system in Armenia is closer to zero in the negative direction in 2011-2013, and from 2014 it started to change. The worst indicator was re-recorded in 2020. The index was also low in 2018, which can be conditioned by the outflow of assets from the banking system during the Velvet Revolution.

CONCLUSION

Thus, the security of the financial system is a crucial criterion for the country. To increase its efficiency, parallel work must be done in many directions within the country and with international partners and financial and economic structures, establishing competent financial and trade relations. Examining the indicators affecting the security of the financial system of Armenia 2010-2022, we can say that the change of isolated factors has a significant impact on the country's economy, particularly the financial system. Referring to the results of our proposed model, we can conclude: The first 9 indicators are essential factors for the security of the RA financial system. Second, in case of a change in each indicator, the model reacts adequately and changes the coefficients of the other indicators. Finally, the model enables scenario testing, i.e., to model situations threatening the financial security of the Republic of Armenia to check the reaction behavior of the financial system.

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DEMOCRACY STATE AND AUTOCRATIZATION FEATURES IN THE REPUBLIC OF ALBANIA

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Abstract: *This article examines the Albanian political regime, as a single case study, for the period 2013-2021, as part of the Western Balkans' experience of democratic backsliding, by investigating the framework of factors linked with the formidable challenge posed by the emergence of a hybrid regime of Albania in these years. For the first time in Albania's post-communist history, the incumbent Socialist Party of Albania won for the third time in a row the parliamentary elections of April 2021, thus making the bid for the power of the leading opposition parties much harder. This paper uses country-expert statistical data from V-Dem and qualitative data analyses. The study reveals that the over-reliance on strong leaders, the growing government control over public life, fragmentation of the opposition, its lack of appeal, organization and mobilization, the boycott of the parliamentary mandates, combined with the weakening role of media and distrust of the citizens in democratic institutions, led to the resurgence of the authoritarian mechanisms, making the liberal democratic transformation in Albania an increasingly challenging task.*

Keywords: *Hybrid Regime; Autocracy; Liberal Democracy; Incumbent Party; Albania*

INTRODUCTION

Over the last decade, the former communist countries in the Western Balkans have faced a democratic backslide. As part of a global trend, this region has shown features of a non-democratic character (Levitsky and Way 2021; Bermeo 2016; Bieber 2018, 2020; Bruff 2014; Cassani and Tomini 2018). The post-2000s period in this region, including Albania, is characterized by hybrid political regimes (Freedom House 2022), displayed in forms of combination between autocratic and democratic institutional features (Schmotz 2019), therefore being "stuck in transition, combining a rhetorical acceptance of liberal democracy with essentially illiberal and/or authoritarian traits" (Menocal, Fritz, and Rakner 2008, 29). Democracy is a complex notion, but most democracy researchers work on the Robert Dahl definition (1971) that includes eight institutional guarantees: freedom to form and join organizations, freedom of expression, right to vote, eligibility for public office, right of political leaders to compete for support and votes, alternative sources of information, free and fair elections, and institutions for making government policies that depend on votes and other expressions of preference (Dahl

1971, 3). In today's literature, various mechanisms are discussed which have shaped the current situation of democracy, related to the lack of credible actors able to shape the country's democratic transformation as well as the influence of international actors, such as the "EU enlargement fatigue" (Lika 2019, 8).

Among these challenges, the problems of internal democracy affecting opposition political parties, the ruling party, the overreliance on strong leaders, the weakening of public institutions, the lack of freedom of media and weaknesses of public organizations are some of the areas we analyze to establish their role as factors in the process of democratic backsliding of Albania.

METHODOLOGY

Considering the Albanian political situation in the context of the democratic regime trend, this article seeks to examine the features, extent and trends related to the hybrid political regime in Albania during the period 2013-2021, aiming to respond to the research question of why Albanian liberal democracy road is trapped in the hybrid zone during 2013-2021? The hybrid regime combines autocratic features with democratic ones (ECPS 2022), so the authors use quantitative and qualitative data analyses to answer the research question.

The first part of the article presents and statistically analyses the current situation of democracy in Albania. The analysis focuses first on the fundamental indicators of democracy, otherwise known as electoral democracy (V-Dem Institute 2022, 13), as the starting point for measuring democracy. It then proceeds to expand the analysis onto the liberal component of democracy. The combination of these two components tells us more clearly about the factors hindering progress toward Albania's genuinely liberal democratic system. The data used in this section focuses on empirical quantitative data extrapolated from the Democracy Measurement Database collected periodically by the V-Dem Institute for Albania and the Western Balkans by local experts.

The second part of the article focuses on the specific analysis of actors to explain Albania's weakening democratization credentials and the reasons behind the shape of the current Albanian political system, such as the role of the incumbent party, the functioning of the major opposition parties, the role of the leaders, citizens, etc. Albania is analyzed as a case study for the period 2013-2021. This period was selected for two reasons: almost all the Western Balkans countries are marked by the backsliding of democracy, and the second reason is more specific to the Albanian case. Since the 2013 elections, the Socialist Party (PS) has remained firmly in power. It increased the number of its MPs from 66 to 74 in the second mandate 2017-2021 and kept the same number of MPs (74) in its third 2021-2025 mandate (Central Election Commission Data for the parliamentary elections, results for 2017 and 2021). Winning its third term, the Socialist Party increases Albania's probability of dealing with a ruling party with growing authoritarian characteristics. This study relies on both primary and secondary data. Institutes of high reliability, such as INSTAT, the Balkan Barometer, the European Barometer, etc., mainly provide the primary data.

The results are combined with analyses of experts in the field and events classified as having a direct bearing on the challenges of Albania's democratic transition for 2013-2021.

EMPIRICAL OVERVIEW OF DEMOCRACY REGIME

The literature considers the current period coinciding with the third wave of autocratization. Differently “from the second wave, the transition towards a new hybrid political system is of a gradual type” (Lührmann and Lindberg 2019, 1102).

First, our analysis sets out the basic level of democracy - electoral democracy. This precludes a sudden system change towards electoral authoritarianism. The starting point for the empirical analysis is Dahl's concept of polyarchy. The process of democratization and the achievement of the polyarchic regime, according to Dahl (1971), requires the fulfillment of empirical criteria to achieve the level of ideal democracy. V-Dem translated these criteria into the Electoral Democracy Index (EDI) (Coppedge *et al.* 2021, 43). Based on these data (see: Figure 1), Albania in 2021 is classified as an electoral autocracy, together with Russia, Turkey, India, El Salvador, etc., with tendencies to fall to a lower level (V-Dem Institute 2022, 45). During the 2013-2021 period, the Electoral Democracy Index shows that in 2017 it reached its highest point, and from then, the trend line has declined.

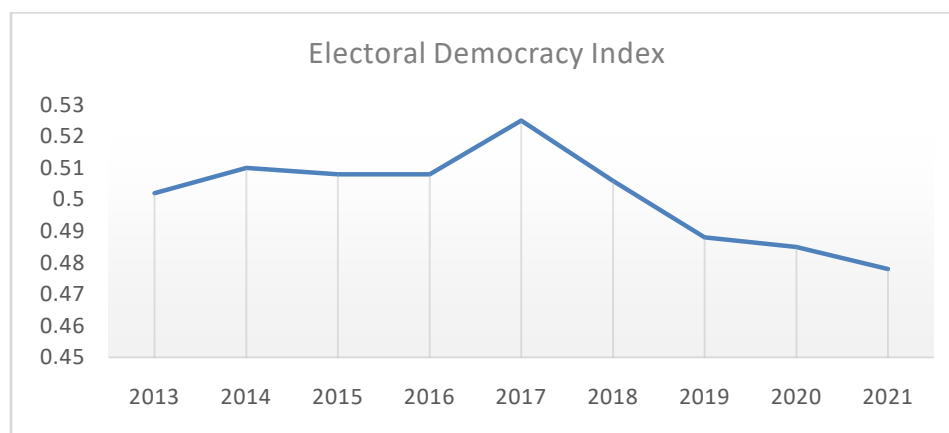


Figure 1: Electoral Democracy Index (Source: V-Dem Institute 2022)

Considering the above results, a detailed and comprehensive system used to appraise the democratic credentials of the current hybrid system in Albania is given by the Liberal Democracy Index (LDI) that combines the assessment of the functioning of the electoral "core" institutions with the liberal aspects - executive constraint by the legislature and high courts, and the rule of law and individual rights (Coppedge *et al.* 2021). Through Table 1, we will present the trends (difference between 2021 and 2013 data) shown by the indicators of the political system through liberal democracy. Then we will provide a more detailed analysis of the behavior and activity of actors interacting in the political system.

Significantly, some of the more weighty indicators in measuring democratization in 2013-2021 have deteriorated (Table 1). Regarding the electoral process, the indicators that have suffered the most are those related to the free elections because of electoral violence and the still insufficient quality of the Central Election Commission in managing elections. There is a decline in media freedom, which means that the government has stepped up its efforts toward

media censorship, increased violence against journalists, and media credibility has suffered because of self-censorship.

The quantitative data analysis points to the deterioration of the autonomy of other parties *vis-à-vis* the ruling party. There has been a decline in the freedom of the individual from the abuse by public officials (concerning torture practiced by state officials or other agents of the state (e.g., “police, security forces, prison guards, and paramilitary groups” (Coppedge *et al.* 2021, 173).

Table 1: Albanian Liberal Democracy Components 2013-2021 (Source: V-Dem Institute 2022)

Liberal Democracy Components	Liberal Democracy Index		
	2013	2021	Difference
Barriers to Parties	3.64	3.816	0.176
Civil Society Organizations' Entry and Exit	3.108	3.34	0.232
Civil Society Organizations' Repression	3.464	3.382	-0.082
Election Free and Fair	2.865	2.295	-0.57
Election Government Intimidation	2.785	2.808	0.023
Election Other Electoral Violence	2.629	2.138	-0.491
Election Other Voting Irregularities	1.235	1.714	0.479
Election Vote Buying	1.043	1.307	0.264
Election Voter Registry	3.471	3.595	0.124
Elections Multiparty	3.961	3.791	-0.17
Election Management Body Autonomy	2.049	2.302	0.253
Election Management Body Capacity	2.72	2.104	-0.616
Freedom of Academic and Cultural Expression	2.997	2.676	-0.321
Freedom of Discussion for Men	3.252	3.416	0.164
Freedom of Discussion for Women	3.327	3.48	0.153
Government Censorship Effort - Media	2.429	1.311	-1.118
Harassment of Journalists	2.261	1.843	-0.418
Media Bias	3.237	3.198	-0.039
Media Self-Censorship	2.072	1.83	-0.242
Opposition Parties Autonomy	3.465	3.088	-0.377
Party Ban	3.784	3.784	0
Print/Broadcast Media Critical	1.686	1.665	-0.021
Print/Broadcast Media Perspectives	1.983	1.896	-0.087
Legislature Investigates in Practice	2.676	2.634	-0.042
Executive Oversight	3.01	2.798	-0.212
Legislature Opposition Parties	1.406	1.413	0.007
Legislature Questions Officials in Practice	0.825	0.825	0
Executive Respects Constitution	2.338	2.771	0.433
Compliance with Judiciary	2.991	3.111	0.12
Compliance with the High Court	2.877	2.823	-0.054
High Court Independence	2.062	2.165	0.103
Lower Court Independence	2.235	2.289	0.054
Access to Justice	0.92	0.905	-0.015

Freedom from Forced Labor	0.752	0.832	0.08
Freedom of Domestic Movement	0.879	0.93	0.051
Property Rights	0.792	0.792	0
Freedom of Religion	3.906	3.736	-0.17
Freedom from Torture	3.452	2.739	-0.713
Freedom from Political Killings	3.899	3.899	0
Transparent Laws with Predictable Enforcement	2.694	2.736	0.042
Freedom of Foreign Movement	3.869	3.904	0.035
Rigorous and Impartial Public Administration	2.45	2.315	-0.135
Access to Justice for Men	3.392	3.318	-0.074
Access to Justice for Women	3.396	3.295	-0.101
Property Rights for Men	4.779	4.779	0
Property Rights for Women	4.081	4.081	0
Freedom from Forced Labor for Men	3.497	3.585	0.088
Freedom from Forced Labor for Women	3.021	3.427	0.406
Freedom of Domestic Movement for Men	3.936	3.945	0.009
Freedom of Domestic Movement for Women	3.772	3.951	0.179

The government of the Socialist Party, in addition to deteriorating indicators of democracy in a country with a hybrid political system, can point at some aspects that improved during its rule. Civil society's ability to establish and dissolve non-governmental organizations has slightly improved. The executive also points to increased respect for the country's constitution. Still, on the other hand, there is almost no change in the opposition's ability to exercise oversight on the government against the wishes of the ruling party or coalition.

The entry-level of small parties in parliament is not too high and stable over time. This is another factor that affects the marginalization of the parliamentary opposition. The lack of small parties and opposition coalitions count among the factors that limit the power of the opposition to exercise its function as a shadow government by increasing the chances of the ruling party to increase its authoritarianism in the parliamentary system. These effects also come into being because of the electoral law in force in Albania.

In the context of the electoral process, some improvements have been made regarding the autonomy of the Central Election Commission (CEC) and in addressing some of the problems highlighted in each election process, such as vote buying, irregularities and absences in the registers of voters, irregularities during voting. It is also noted that several indicators have remained stable over time, such as those related to the entry-level barriers to political party participation (especially to small parties) and the level of hearings held with executive branch officials by the MPs. Finally, suppose we narrow the V-Dem components merely after the second term of the Socialist Party of Albania (PS) governance from 2017. In that case, all the components of liberal democracy are in decline, confirming the rising tendency of authoritarian political rule.

POLITICAL FACTORS ROLE

The Albanian case in 1992, 1997, 2005 and 2013 proved that the new ruling majorities right after they seized power further political rotations positively impacted democracy and the rule of law. They pursued reform programs catering to increased transparency and accountability. In 1996, 2001, 2009, 2017, and 2021, Albania's reformist majorities lost energy and political orientation as soon as their second term kicked in. They turned into net consumers of power and ignored critical voices and defense mechanisms of democracy.

Furthermore, the Covid-19 crisis, the 2019 earthquake, the immigration crisis and the recent war in Ukraine only weakened the political elite's commitment to the values of democracy and prioritized the need for stability at the expense of the need to ensure a functioning democracy. The lack of a clear EU enlargement strategy and the weakened role of the US in the region contributed to the expansion of the strong leader's powers.

Incumbent Party

Albania's democratic system after 1990 never experienced a party ruling for more than two governing mandates before 2013. The political rotation occurs between the two largest political parties PS and Democratic Party (PD), occasionally integrating other smaller parties, and the Socialist Movement for Integration (LSI) as a junior ally for the first term of the Socialist government. The overwhelming combined political force of PD and PS immediately after 1990 did not create enough space for a third party to appear in the post-communist Albanian political system. This situation enabled growing authoritarian approaches by autocratic party leaders. Additionally, in 2020, Albania marked a unique case of changing the Constitution (Kuvendi i Republikës së Shqipërisë 2022) to cater to the political needs of the ruling majority because of the next elections. By this logic, winning the third governing mandate in the 2021 elections in Albania automatically increased the power of PS as the ruling party. The result is a single, overly strong position party and a marginalized opposition.

In 2013, Albania's left wing came to power with the promise that it would fight back against the system of corruption, not just the corrupt people in it. Over the following two terms, it changed the people in the system. Its high-level corruption and deviations from democratic practices are widely documented by professional studies, monitoring reports, and international reports. The political elite systematically downplays these warnings by pointing at corruption and collusion with the crime as everyday occurrences in an overall successful democratic transition, and as a regional phenomenon, not only in Albania.

Besides, "the ruling party shows a growing tendency to control to be led by a strong party leader" (Bërdufi 2021). A statistical indicator of the leader's power and control can be found in the results of the Chapel Hill Candidate Survey 2019, according to which the control of the policy choices is totally under the control of political parties and not its members/activists, where the Socialist party results wielding the highest level of such control, higher than PD and LSI, with SP 9.6 out of 10 maximum, PD 8.15 and SMI 9.2. This rising tendency to support a strong leader is also observed in Albania (according to the data of Lavrič and Bieber 2021). These arguments indicate the party's high control over power and political decision-making.

Because the SP is in the third term of government, unlike the other two parties, it has a unique opportunity to extend its power to other political and public institutions.

Another factor indirectly catering to the current shape of the political system in Albania is that huge parties in Albania, in this period, had little or almost no ideological differences. The "competitive authoritarian regimes of the Western Balkans refrain from such characterization, and their authoritarian nature is exercised informally and without ideological justification. All political leaders were running as pragmatic reformers and received domestic and international support on that platform, at least initially (Lavrič and Bieber 2021, 24-25). The lack of difference between electoral platforms, and the (missing) orientation of political parties towards the ideological values on which they are formally grounded, led to homogeneous political representation in the voters' perception. In other circumstances, this element could influence the electorate's choices on election day. As this element of ideological difference in the Albanian political sphere is mainly missing, the ruling party can further strengthen its authoritarian position and efficiently ensure the continuity of the hybrid political system.

We emphasize that this period features the use of legal rather than military means of pressure from the ruling party to perpetuate its grip on power. The political agenda of most governments in the Western Balkans tend to be determined by a ruthless pursuit of self-interest of the ruling elites, reflected in the use of various legal means aimed at shaping the electoral system to benefit the ruling party. This is exacerbated by the difficulty of forming stable pre-election party coalitions, by continuous government-sponsored efforts to marginalize the opposition, and by the omnipresent restrictions to the access of small or new parties to the parliament.

In conclusion, combining these elements leads to a continuous increase in power and control of the ruling party. It ultimately results in a move towards a growingly authoritarian system.

Political Opposition

The political opposition uses various means to gain political ground and pave its way to power. In systems with autocratic tendencies, the stronger the ruling party and the longer its ruling power lasts, the lower the chances of the opposition to ground its bid for executive power. One of the tools used by the Albanian opposition to strengthen its hand was the boycott of the parliament (handing over the mandates of the deputies) during the second term of the SP government by the Democratic Party and the Socialist Movement for Integration and the boycott of the 2019 local elections.

In 2019, Albania became the only country in Europe where an opposition waived all parliamentary mandates and later altogether boycotted local elections, creating a paradox in political representation, with over 100% of local government controlled by the ruling political party and with over 80% of mayors elected without rival candidates. This choice of the opposition further strengthened the power of the Socialists at the local level. The failed strategy of the opposition further weakened its credentials, as it directly contributed to the ability of the SP and its leader Edi Rama to win the third government mandate in Albania. The opposition had

little or no effect on national and local politics from 2013 to 2021, resulting in a weak governance alternative and making things much easier for the dominant party.

A problem related to the above analysis is the inter-party polarization of the opposition. Albania shows “high levels of inter-party polarization” (BiEPAG 2017, 91). The “polarization of political parties contributes to a problematic tendency of internal parties' fragmentation. These arguments of internal political polarization and power centralization tendency from the party's leadership also convey the obstructive behaviors of the parliamentary opposition. Additionally, this political situation exposes the citizen to an overpowering control of the party's leadership” (Berdufi 2021). Moreover, the main opposition party in Albania, PD, in this period has shown a high level of fragmentation. On 21 March, the chair of the Democratic Party, Lulzim Basha, resigned (Euronews Albania 2022).

Citizens' Political Behavior

Important indicators of democratic participation from the citizens demonstrate deterioration in the analyzed period. The voter turnout, especially for parliamentary elections, is in decline, especially from 2013, the first governing term of the PS (CEC 2022), by - 6.99%. Moreover, Eurobarometer 2022 data show a high dissatisfaction among Albanian citizens with the functioning of democracy - at 61% (European Commission 2022).

Likewise, media is another instrument of democratic control in declining. According to Freedom House (FH) data, media independence declined from 2013 to 2021 by 0.50 points. The “Albanian media environment has long been plagued by oligarchic control like much of the region” (Csaky in Freedom House 2021, 14), increasing the possibility of control and manipulation of the media by autocrats. In this context, Albania is unique as its citizens' primary information source is Prime Minister's television channel and Facebook account.

According to the Balkan Barometer, the distrust of Albanians compared to the rest of the Balkans regarding the essential democratic institutions and the functioning of democracy in political parties in 2021 remains unchanged at 71%. Concerning the courts and judiciary, it increased to 65% from 61%. About the parliament, the distrust level increased to 67% from 61%. Concerning government, the level of distrust remained at the same extent, 57%. In relation to local authorities, it decreased to 53 % from 54% the last year; in relation to the Ombudsman, distrust remained at the exact extent of 46%. Distrust concerning the Supreme Audit institution increased to 51% from 48% (ACIT and EPIK 2021).

This high level of apathy and distrust in democratic institutions, the increase of Albanians' trust in the strong leaders, and the media freedom decline certainly do not support the efforts to push back the encroachments of the Albanian hybrid regime. Still, on the contrary, such a phenomenon boosts authoritarian behavior.

CONCLUSION

This article examined the features, extent and trends related to Albania's hybrid political regime during 2013-2021. Over the last decade, Albania felt the heat of the growing divide between its fading democratic aspirations and the grim realities of its electoral regime. The utopian promise of liberal democracy, supported by the civic vote and focused on critical structural and social reforms in the country, was systematically sidelined by ruling minorities that consistently ignored the standards of functional democracy while transferring a growing array of autocratic powers to strong leaders.

In 1996, 2001, 2009, 2017, and 2021, Albania's reformist majorities lost energy and political orientation as soon as their second term kicked in. They turned into net consumers of power and ignored critical voices and defense mechanisms of democracy. The impact of the authoritarian nature of Albania's government increased exponentially after the opposition relinquished its constructive role in political life, thus failing to control the majority by devaluing the mechanisms of democratic control.

The over-reliance on strong leaders, the growing government control over public life and the confirmation of the power of political majorities through problematic elections held in the absence of any accountability, as part of a trend that is visible both in Albania and in the region, combined with the weakening of watchdog institutions, civil society and citizens' voices and of critical media, eroded the very social basis of a functioning democracy. All these factors have made the path toward liberal democratic regime transformation of Albania more challenging during the period under study.

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DEMOCRACY AND THE RIGHTS OF NON-MAJORITY COMMUNITIES AT THE LOCAL LEVEL IN KOSOVO

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Abstract: Democratic governance has to do with the majority's will, respecting the rights of communities and all citizens' well-being. In Kosovo, the rights of communities are regulated by the constitution and legislation, which guarantee the special rights of minority communities. One of the fundamental policies of governmental institutions was about decentralizing local self-government, designed to facilitate the creation of new municipalities of communities and their integration into the local institutions. Our purpose was to search and analyze the level of representation of communities in the local institutions, legal mechanisms that guarantee their rights, challenges in putting the rights of communities into practice, and the political steps that must be taken to achieve so. The methodology is based on quantitative research with 500 (five hundred) respondents in three municipalities: Pristina, Gracanica, and Dragash, where 59% of respondents are male and 41% are female. The results show that about 55% of the communities are somewhat satisfied with the constitutional guarantees, and 38% are represented in the institutional life of Kosovo. Implementing legal mechanisms has allowed the communities to have higher representation at institutional levels and be part of Kosovo society's integrative processes.

Keywords: Democracy; Local Self-Government; Communities; Institutions; Legislation; Kosovo

INTRODUCTION

Non-majority communities, or, as we call them, minorities, represent groups of people who differ from the rest of the majority in society. This category can be distinguished by ethnicity, language, religion, culture, and other differences. Given these differences, this category is often discriminated against or feels discriminated against. As a new state, Kosovo became independent based on a guarantee to provide rights for its communities. The development of a democratic society, with the rule of law, good and democratic governance, and the realization of the rights of communities as equal to other citizens of the country, remain the priority of the youngest state in Europe.

Given that democracy and especially the rights of the non-majority communities at the local level of government in Kosovo, through special legal mechanisms for the promotion of the rights of non-majority communities, is a unique model of guaranteeing the rights of communities. The international community supports Kosovo in establishing a democratic society

characterized by the rule of law, good governance, and democracy. This commitment to advancing communities' rights enables them to experience equality with other citizens. Undoubtedly, the war's consequences are a challenge that suffocates the necessary developments toward advancing the rights of minority communities. This is aggravated by delayed transition, slow economic development and many other factors.

This paper aims to study the rights of Kosovo's minority communities in light of international norms, which serve as the foundation for the country's constitution and other laws protecting communities' rights. These rights guarantee the communities not only basic human rights but also collective ones, achieving them by participating in political life at all levels of state power. In Kosovo's case, no serious studies have been conducted in this specific and critical field for the future of peace and well-being of the citizens. The Kosovo model of governance is one of the unique types of communities participation in governance, in line with the notion of each community, meaning to design their destiny, which is more crucial to underline in terms of offering assurances for communities. This model represents the type of local autonomy where communities enjoy the right to use and govern the resources of the locality (regional or municipal) where they live. They also enjoy the right to be represented at the local and central levels of government. Building democracy, according to this model, is one of the best forms of developing democracy, which enables the achievement of the essential interest of citizens, and therefore is more important for study. In the framework of this paper, the following were used: literature study method, legal method, and comparison method, and we have surveyed citizens. The sample target number of the survey was 500, and we conducted it in three municipalities with diverse communities, such as Prishtina, Graçanica and Dragash. The Municipality of Prishtina has been our main target because, as the capital city of Kosovo, it is considered a center of multiculturalism; also, Prishtina does have a heterogeneous population structure and leads in terms of the number of inhabitants. Then Graçanica was the second target location due to its ethnical structure, mainly inhabited by the Serb and Roma community. The third and last location was the municipality of Dragash, which has its characteristics in terms of relief as well as its ethnic structure, mainly Gorani and Albanian. The research involved 59% men and 41% women (respondents); the research also contains ethnicity and other research specifications, which we have presented in the results section. The margin of error in the sample is $\pm 3\%$. Some of the research questions presented in this article are: Which community is the most discriminated against in Kosovo? How satisfied are you with the constitutional and legal guarantees for communities in Kosovo? How many of the rights of communities are implemented in Kosovo?

LITERATURE REVIEW

Democracy today, as a concept, as a philosophy and as a more comprehensive view, is understood as the will of the citizens, including freedom and social justice for all citizens. As Manfred (2012) stressed: "democracy understands not only the will of the majority, but also respect for the will of the minority, or rather; it understands the freedom, equality and well-being of all citizens of the country" (p. 34). Democracy as a political-ideological concept is the best possible form or method among other ideologies. Today, democracy "represents a

movement that is a dream of the people. Its practical functionality is still full of unknowns and insecurities. It is a model of social regulation, toward which regulation all countries are aiming, after fall/collapse of socialist government models" (Bajrami 2010, 31). Thus, the central theme of democracy "has to be found in the meaning of political power, like the citizen and their role in society and political institutions. It is the opposition between the individual/citizen and the exercise of power which gave rise to the evolution of the concept of democracy" (Arenilla 2010, 15-30). Therefore, we can genuinely say that democracy can never have whole meaning, as long as there is no promotion and protection of the rights of minorities. In fact, "the rights of minorities, in particular their political rights, which rights are present in many decisions of international law in democratic states, have been introduced into the framework of national policies, mainly through legal provisions" (Midgaard 2004, 132).

In the Kosovo context, moreover, "modern democracy necessarily understands the respect for the rights of non-majority communities" (The Constitution of the Republic of Kosovo 2008) through a "model of state and territorial organization (decentralized power) or legislation that provides guarantees for special rights related to the characteristics of communities" (Morina 2021, 15). The non-majority communities "need to be treated with special affirmative action, for this category of citizens to feel equal" (Law No. 05/L-021 on Protection from Discrimination 2015). In this regard, we can say that the rights of communities are an integral part of democracy, or in a few words - the beauty of democracy. A satisfactory level of democracy in a country is reached only when its citizens are treated equally regardless of ethnicity, language, religion or other affiliation. Even these are the essential demands which derive from the international declarations, which preliminary relate to human rights, especially Article 2 of the Universal Declaration of Human Rights, which highlights that "everyone is entitled to all the rights and freedoms outlined in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or another opinion, national or social origin, property, birth or another status" (UN 1948).

Based on their characteristics, minorities should enjoy special rights, guaranteeing full rights to participate in public life and to be part of decision-making. In the practice of many democratic states, some special institutional democratic mechanisms have been established to guarantee the rights of minorities. We can say that in order to achieve their rights, the minority communities have to participate in decision-making bodies as per the election system; they have guaranteed reserved seats at the central and local government level, as well in the executive bodies and ethnic employment quotes regulated by law (Civilian Service Law No. 03/L-149). In Kosovo, minorities have "twenty (20) seats guaranteed for representation of communities that are not in the majority in the Republic of Kosovo, based on the total number of valid votes received by each political entity, irrespective of the number of seats already allocated from the hundred (100) seats" (Law No. 03/L-073 on General Elections in the Republic of Kosovo 2008). Also, "in municipalities where at least ten percent (10%) of the residents belong to communities, not in the majority in those municipalities, a post of Vice-President of the Municipal Assembly for Communities shall be renewed for a representative of these communities. The position of Vice-President should be held by the non-majority candidate who received the most votes on the open list of candidates for election to the Municipal Assembly" (UN-SC 2007, 1-9). These are some examples from Kosovo and some other countries in the region. Even though some

countries now have advanced legislation on democratic governance, its implementation and the commitment to the necessary measures to protect and promote the rights of communities are not satisfactory. Even though nowadays, many countries have already advanced democratic governance in place, implementing the democratic system, particularly the necessary measures in protecting and promoting the rights of communities, still needs improvement. This is due to challenges and different issues, including transition challenges, lack of implementation of laws, corruption, organized crime, migration, fragile relations between countries in the region, etc., which are followed by the dissatisfaction of citizens, which can be serious challenges for the democratic legitimacy of states we are talking about.

In countries still facing transition challenges, such as building genuine democratic institutions, implementing legislation is challenging. Non-implementation of the law, corruption and organized crime are hindering economic development and harming citizens' well-being.

Such a situation, "which is more specific for countries with delayed transition, such as the Kosovo case, and manifested with an expression of dissatisfaction from the people and for the non-majority communities, remains a great concern" (Myrtezani *et al.* 2015, 94). In these countries, minorities (non-majority communities) are at risk of securing their status and creating a sense of uncertainty about their existence as communities. The mass displacement or migration of non-majority communities to their home countries due to conflicts in the Balkans in the XX century was a severe concern. In these situations, democracy loses its true meaning and poses a problem for the development of open democratic societies as well as multi-ethnic societies. On the other hand, "the lack of readiness of nation states to provide rights to the non-majority community, intolerance and dissatisfaction of the non-majority community for not exercising their rights, are the main source of political crises and conflicts even within a society or even with other states" (Myrtezani 2014, 271).

A SHORT HISTORY OF THE LOCAL SELF-GOVERNMENT IN KOSOVO

Kosovo declared its independence on 17 February 2008. Although the "Albanians majority constitutes 92% of the population of this country" (ASK/KAS 2011, 60), Kosovo is still treated as a "multi-ethnic society" (The Constitution of the Republic of Kosovo 2008, Article 3). Kosovo has undergone two essential phases in the history of institution building.

The first phase started in 1999 and is the phase of building institutions administered by the international community. The second phase is institution building after declaring independence in 2008 (UNHCR 2008). In the first phase of building democratic institutions at the central and local levels, governance was "established through free and democratic elections. Still, the institutions that emerged from this process had limited powers" (UNMIK 1999). The competencies of these institutions were limited as some of the critical issues of exercising power were at the hands of the Interim International Administration in Kosovo (UNMIK). The first phase of government was characterized by the construction of the first democratic state institutions at the central and local levels and the construction and reconstruction of the country from the devastation of war.

In contrast, the second phase, or the post-independence phase, is the continuation of the decentralization process as an essential chain in the continual development of local

democracy. However, in the first phase of building Kosovo's institutions and the second phase after the declaration of independence, special attention was paid to the rights of communities and their members. Since 1999, so since Kosovo has been under international administration. During this period of institutional development, continuous efforts have been made to build democratic institutions. United Nations Security Council Resolution 1244, the Constitutional Framework of Kosovo, as the highest normative act and regulations of the United Nations Administration (UNMIK), was the legislation based on which the self-governing institutions in Kosovo were built up to 2008.

The first self-governing bodies in Kosovo were established in 2000 and operated under UNMIK Regulation 2000/45 on the Self-Government of Kosovo Municipalities (UNMIK, Regulation No. 2000/45, Municipal Self-Government in Kosovo 2000). This regulation lays the foundations of the administrative and territorial organization of local self-government in Kosovo, following the European Charter of Local Self-Government (Council of Europe 2010). With this regulation, the municipality represents the basic territorial unit of Kosovo. This act "defines the responsibilities and power of municipalities. Below the municipal level, they may exercise cooperation links for the exercise of municipal competencies with villages, settlements and urban quarters" (UNMIK, Regulation No. 2000/45, Municipal Self-Government in Kosovo 2000, Section 5), but which does not represent a separate territorial unit of the municipality. In this period, although local and central government bodies have emerged from democratic electoral processes, their mandate in decision-making has been limited, as the Special Representative of the UN Secretary-General exercises some state responsibilities. There was a UNMIK administration in each municipality, with a municipal administrator in charge of this administration (UNMIK, On the Authorizations of the Temporary Administration in Kosovo 1999). On 16 October 2007, UNMIK adopted Regulation No. 2007/30 on Amending Regulation No. 2000/45 on the Self-Government of Kosovo Municipalities (UNMIK, Regulation No. 2007/30 Amending UNMIK Regulation No. 2000/45 on Self-Government of Municipalities in Kosovo 2007). This amendment to the regulation mentioned above defines the competencies of the municipalities (17 competencies and 6 activities) with the right to be delegated additional competencies by the central authorities (Article 3). At the same time, the Ministry of Local Government Administration (MLGA) exercises the right to supervise the observance of the legality of the work of municipalities. Even at this governance stage, the rights of members of non-majority communities were guaranteed through local self-government institutions.

LOCAL SELF-GOVERNMENT IN KOSOVO AFTER 2008

In democratic societies, "the functioning of self-governing systems is important for the overall development of democracy. Such systems are based on principles and values that benefit local communities, seeing them as part of the partnership" (Vejseli 2021, 74-75). A political system cannot be accepted without the involvement of local self-government. According to Selimi (2008), local self-government is about "governing all aspects of things which are in the common interest of all citizens and who extend their activities and governance in local level, defined within states territory" (p. 10). In the case of Kosovo, we can see that local democracy in Kosovo is exercised by municipal bodies, as defined by the Law on Local Self-Government in

Kosovo. This law was drafted based on the principles set out in the 'package' of the former President of Finland Martti Ahtisaari as a proposal for the resolution of the status of Kosovo arising from the talks between Kosovo and Serbia organized in Vienna (Austria). Law on Local Self-Government defines "the municipality as the only unit for local self-government in Kosovo" (Law No. 03/L-040 on Local Self-Government 2008). This law defines the legal status of municipalities, competencies and general principles of municipal finances, organization and functioning of municipal bodies, intra-municipal relations and inter-municipal cooperation, including cross-border cooperation and relations between municipalities and the central government.

Local self-government competencies in Kosovo are of three types: "Own competencies of municipalities, Delegated competencies, and Extended competencies/Enhanced municipal competencies" (Law No. 03/L-040 on Local Self-Government 2008, Articles 17-19).

Through their competencies, the municipalities can benefit from extended government autonomy. These competencies include; local economic development, urban and rural planning, land use and development, health, education and many other competencies which in most countries are exercised by the central level of government. Delegated competencies include cadastral records, business registers, social assistance payments, civil registry, forest protection, etc. Extended competencies are, in principle, exercised by the central level of government, such as university education, secondary health, culture, and appointment of police commanders. These competencies are envisaged for the non-majority Serbian community as the largest non-majority community in Kosovo. Among other vital issues closely related to the development of local self-government in Kosovo after 2008 was the process of decentralization. Decentralization is "a complex phenomenon involving many geographic entities, societal actors and social sectors. The geographic entities include the international, national, subnational, and local" (UNDP 1999). In this context, we can say there are three forms of decentralization that are implemented in the Kosovo case:

Fiscal decentralization, entailing the transfer of financial resources in the form of grants and tax-raising powers to sub-national units of government; Administrative decentralization (sometimes referred to as deconcentration), where the functions performed by central government are transferred to geographically distinct administrative units; Political decentralization where powers and responsibilities are devolved to elected local governments. This form of decentralization is synonymous with democratic decentralization or devolution (Dalipi 2016, 8).

In Kosovo, the process and scope of decentralization, as derived from Ahtisaari Plan, intended to bring the Serbian minority into the parameters of Kosovo legislation. Decentralization of power in Kosovo as a process has developed in two dimensions; decentralization of competencies through the exercise of essential state responsibilities by local government bodies, as well as decentralization as a territorial organization, which has occurred with the establishment of many municipalities as basic units of local government (Law No. 03/L-040 on Local Self-Government 2008, Article 17-23). Therefore decentralization of competencies in Kosovo is done so that the local level of government, through its own delegated and

expanded competencies, gains a high level of autonomy in governance. This moment marks a turning point in the reform of local government and the beginning of the establishment of new municipalities as a path to the complete decentralization of competencies and the creation of conditions for the participation of non-majority communities, especially the Serbian community in local government. With the gaining of complete autonomy of the local self-government through decentralization and the establishment of new municipalities, "the Serb community took over the administration of the territory where they live and operate. The purpose of these administrative-territorial changes was to ensure the extended rights and political and administrative independence of Serbs in the Republic of Kosovo" (Bajrami 2011, 424).

REPRESENTATION OF THE NON-MAJORITY COMMUNITIES AT THE LOCAL GOVERNMENT LEVEL IN KOSOVO

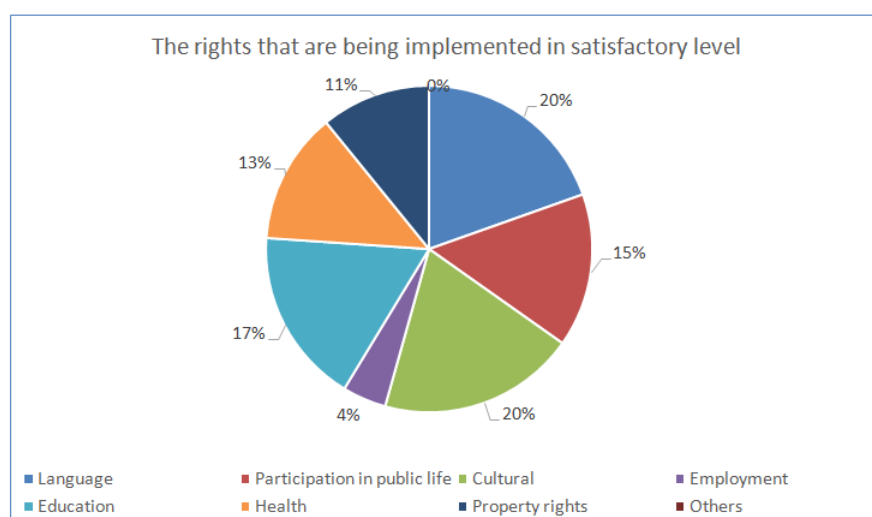
The participation of communities in public life, through local government bodies, is considered an effective legal" (Law No. 03/L-047a on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo 2008) and constitutional mechanism for the direct realization of their interests. The organization of government in Kosovo is a form of decentralized government, which means that essential responsibilities are transferred from the central level to the local level of government, especially in the field of education, culture, health, and local economic development (Law No. 03/L-040 on Local Self-Government 2008, Article 17), etc. The local level of government exercises responsibilities in the form of its competencies, delegated competencies, while for Serb-majority municipalities, it has also provided extended competencies. The law defines local competencies in Kosovo based on the 'Ahtisaari package', and respects the principles set out by the European Charter of Local Self-Government, the International Covenant on Civil and Political Rights and the Framework Convention for the Protection of Minorities.

Taking into consideration the international and national legislation, Kosovo guarantees "effective participation for all communities in public life, similar to the Lund Recommendations" (OSCE 1999) for the participation of minorities in public life, as one recommendation among others that are in enhancing the participation of communities in government institutions at both central and local levels. In decision-making bodies, such as the municipal assembly, "non-majority communities represented by their elected representatives in the municipal assembly, as well as in the communities committee as part of the decision-making body. Courses in the executive bodies represented by the deputy mayor for communities, as well as in some cases managing a municipal section/directorate" (OSCE, Community Rights Assessment Report 2021). In administrative bodies, members of non-majority communities lead the Office for Returns and Communities (Regulation No. 02/2010 for the Municipal Offices for Communities and Return 2010), as well as eventual positions in which may be "heads of various sectors up to employees in the municipal administration, positions guaranteed by the law on civil servants of Kosovo" (OSCE, Community Rights Assessment Report 2021, 20).

DEMOCRATIC MECHANISMS AT THE LOCAL LEVEL OF GOVERNMENT FOR THE REALIZATION OF THE RIGHTS OF NON-MAJORITY COMMUNITIES IN KOSOVO

Besides the constitution and other laws, the rights of non-majority communities in Kosovo are also regulated by legislation for local self-government as a vital part of the system. Thus, the Law on Local Self-Government (Law No. 03/L-040 on Local Self-Government 2008) ensures a high degree of democracy at the local level of government, where through special governing mechanisms, the non-majority community becomes an influential part of local government within a municipality. Some of the governing mechanisms provided by this law directly impact the realization and implementation of the rights of communities, while others have an indirect impact. In the direct mechanisms, representative bodies in decision-making bodies are the municipal assembly as a decision-making body, the communities committee and the position of the deputy chairman of the municipal assembly (Law No. 03/L-040 on Local Self-Government 2008).

The mechanisms by which communities exercise executive power in the executive bodies are: Deputy Mayor for Communities and the Local Office for Communities and Return. However, from the conducted surveys, we have derived specific results.



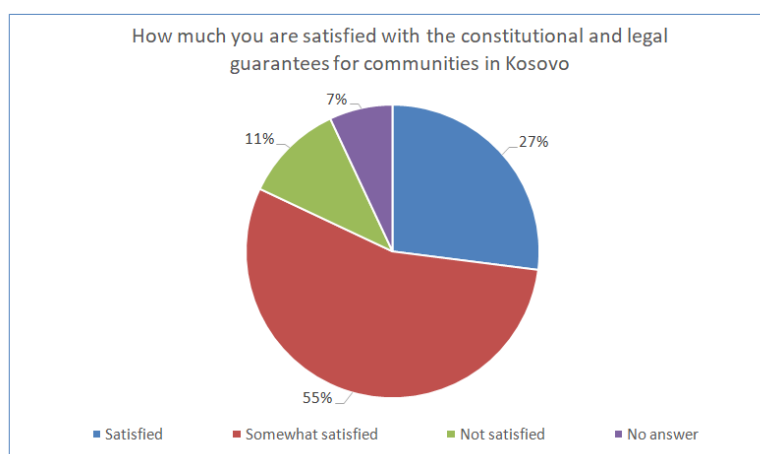
Graph 1: The Rights Being Implemented (Source: Authors' research)

As shown in Graph 1, the research results show that we have a higher level/percentage of satisfaction with the rights of use of native language and cultural rights. At the same time, property and employment rights are rated with the lowest level or percentage of satisfaction. The highest level of satisfaction on rights of language and cultural rights is because of two main reasons: a) first, these rights are the rights that the state of Kosovo has had the most accessible realization of these rights, and b) second, these rights have less impact on the daily lives of communities compared to the rights of employment and property rights.

Table 1: Which Community in Kosovo Is Most Discriminated Against, According to Respondents?
(Source: Authors' research)

	Number of Cases	Percent
a) Serb community	95	19%
b) Bosnian community	45	9%
c) Turk community	35	7%
d) Roma, Ashkali and Egyptian community	215	43%
e) Montenegrin community	15	3%
f) Croat community	15	3%
g) Goran community	65	13%
h) Other	15	3%
Total	500	100%

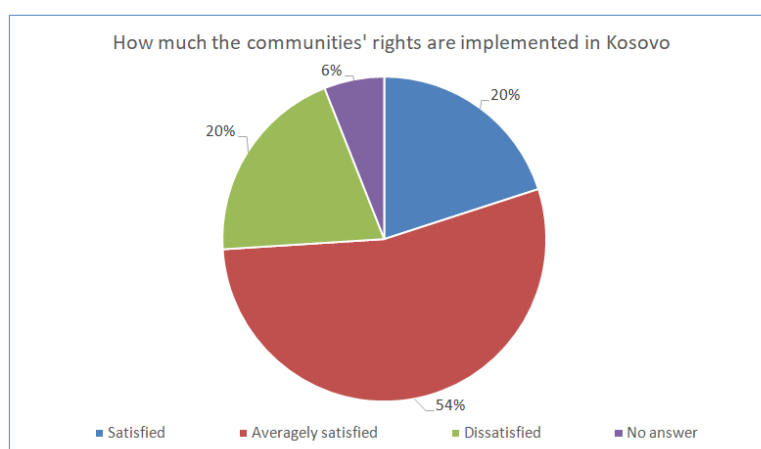
As we can see from the survey results that 43% of the respondents answered that the RAE community is the most discriminated against in other communities in Kosovo. In comparison, 19% of the respondents claimed that the Serb community is more discriminated against. 13% responded that the most discriminated against are Goran, 9% answered that the Bosniak community is most discriminated and 7% of the respondents said the Turk community is most discriminated against others (see Table 1). Based on the research data reflected in Table 1, it resulted out that the most discriminated communities are Roma, Ashkali and Egyptians (RAE), followed by the Serb community, Gorani and others. Our analysis also supports these figures during our research, that Roma, Ashkali and Egyptians are the most discriminated community. We cannot tell the same for the Gorani community; as per our study, they live mainly in the Municipality of Dragash/Drugas, some of them are defined as Bosniaks, and both of them are treated equally by the municipality officials and also state institutions in terms of education, cultural rights, as well as the language use, etc. It shows that Serbs have expressed that they feel discriminated against for some rights, especially regarding the implementation of legislation about minorities, especially in those areas which have to do with property rights and returning to their homes where they lived before.



Graph 2: Constitutional and Legal Guarantees for Communities in Kosovo (Source: Authors' research)

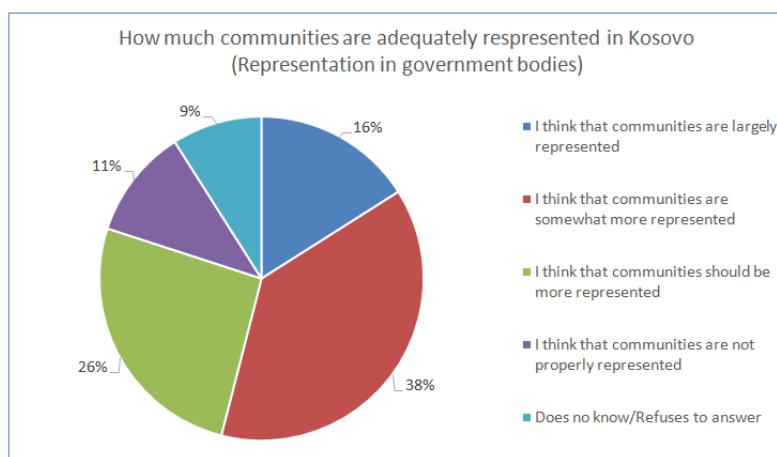
The reflection of the opinion of target groups regarding the question “How much you are satisfied with the constitutional and legal guarantees for communities in Kosovo?”, we got the following answers: 27% of respondents are satisfied, 55% of them are somewhat satisfied (average), 11% are not satisfied, and 7% did not provide any answer. This graph reflects the opinion of the target groups on the question, “How satisfied are you with the constitutional and legal guarantees of the communities in Kosovo?”, we received the following answers: 27% of respondents answered that they are satisfied, 55% of them responded that are moderately satisfied, 11% of them are not satisfied, and 7% have no answer. On the other hand, in terms of legal and constitutional guarantees, as we have emphasized previously, Kosovo has many legal and constitutional mechanisms to guarantee communities’ rights.

Even the legal guarantees provided for the rights of communities are significantly different from those provided by other states. However, in the data reflected in Graph 2, when asked how satisfied you are with the constitutional and legal guarantees for the communities in Kosovo, it turns out that the satisfaction, in terms of legal and constitutional guarantees, is average. These data do not reflect the accurate assessment of the situation in terms of mechanisms that guarantee the strengthening of the rights of communities.



Graph 3: Implementation of the Communities’ Rights in Kosovo (Source: Authors’ research)

Graph 3 depicts the answers to the question: “How much are you satisfied with implementing the rights of communities in Kosovo?”, implying that 20% of the respondents said they were satisfied, 54% of them were averagely satisfied, and 20% are dissatisfied and 6% no answer. Regarding the survey and the answers to the question, “How much communities are adequately represented in Kosovo?. We have received the expected results and consider that they are very much in line with reality. This is because Kosovo has advanced legislation regarding communities’ rights. However, implementing this legislation has been difficult and continues to challenge the country’s institutions.



Graph 4: Representation of Communities in Government Bodies (Source: Authors' research)

Graph 4 reflects respondents' opinions on "How much are the communities adequately represented in Kosovo?". We see that 38% of them claimed that they are somewhat represented, 26% stated that communities should be more represented, 16% believe that communities are primarily represented, 11% of respondents pointed out that communities are not adequately represented, and 9% did not know or refused to answer. Based on constitutional and legal guarantees for the representation of communities in public life, "communities are represented at the central level of government, as legislative, executive and administrative bodies. At the local level, they are also represented in decision-making bodies, executive and administrative. This representation of the non-majority community is not the same for all communities. It is not the same in all institutions" (Myrtezani *et al.* 2015, 87). The most represented non-majority community are Serbs, "while other communities such as Roma, Ashkali, Egyptian, Croat and Montenegrin are less represented. Although communities today have a greater representation than before, the data show that this representation is not as satisfactory" (OSCE, Community Rights Assessment Report 2021, 55). What we can say is that the perception of citizens regarding the implementation of the rights of communities is in line with the general state of implementation of legislation in Kosovo. As we have assessed during the paper, in countries with delayed transition, such as Kosovo, the impossibility of full implementation of legislation and the provision of services to citizens based on their needs is a problem not only for the non-majority communities but for all citizens. However, these rights are more advanced now than in the past, which is seen as progress.

CONCLUSION

It can be concluded that democracy and local self-government are closely related. This is because democracy would not make sense if it were a state with centralized power. Only a decentralized government with strong competencies at the local level of government will be understood as a democratic government. Therefore, we cannot talk about genuine democracy if

we do not have the provision of services as close as possible to the citizens, and the expression of their will through elected representatives gives the meaning of true democracy.

Local self-government development in Kosovo is an important democratic development for the country. This process has been developed through the decentralization of power, transforming local self-government as the most crucial organization of the state administration. Local self-government in Kosovo has developed in two dimensions; one as a service closer to the citizens and the other as a political solution for the realization of special interests for non-majority communities with particular emphasis on the Serb community.

Decentralization, as a process, has been developed by strengthening and increasing local governance competencies and by increasing the number of local self-government units. It is also more important to say that the participation of non-majority communities in public life is significant for the democratic functioning of the state of Kosovo. Through the participation of communities in public life, communities contribute to the representation of their interests, as well as the interests of Kosovo, becoming a vital part of the democratic potential of the country.

As mentioned above, Kosovo has established special mechanisms that serve as effective mechanisms for protecting the rights of communities. Such institutions are established both within the central level of government, such as the Assembly of Kosovo, the President, and the Government, and in local self-government bodies, such as municipal assemblies and other executive bodies. Such unique mechanisms for securing the rights of communities do not yet exist in certain other countries. These affirmative policies ('positive discrimination') of Kosovo institutions concerning communities' representation are essential for integrating communities into social life, which can serve as an example for other countries.

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Statement on the Welfare of Animals:

This article does not contain any studies with animals performed by any authors.

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Informed consent was obtained from all individual participants included in the study.

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DOES COLLECTIVE ACTION INSTITUTIONALIZE RATIONAL CHOICE? CANDIDATE SELECTION IN INDONESIAN POLITICAL PARTIES

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Abstract: *The selection process for local head candidates in the electoral democracy in Indonesia is still closed and confidential. Recruitment regulations are insufficient to control the informal actions of the candidate selection process, which is based on political pragmatism. This paper examines the dynamics of local head candidate selection from the rational choice institutionalism approach, with the collective action perspective. The research method uses content analysis, with analyzed interpretively using the NVivo 12 plus application. Research findings show that candidate selection in political parties is not entirely based on supply and demand but as a rational choice formed from the collective actions of party elites. In deciding the mayoral candidate in Makassar City in Indonesia 2020, political parties are influenced by collective mentality, individual quality, group size and resources in political parties. The conclusion is that the rational choice institutionalism approach through the practices of principal-agent, game-theory and rule-based models occurs in the selection of local head candidates. This rational choice institutionalism approach explains the tension between political actors to maximize personal and group interests in political party institutions.*

Keywords: *Candidate Selection; Collective Action; Rational Choice Institutionalism*

INTRODUCTION

Political parties are political entities to mediate the relationship between the state and citizens. The high expectations of citizens towards political party demand that political parties are more open and accommodating. Political parties must carry out the main functions to sustain the party system, the general election system and the political representation system (Sartori 2005). Political parties play an essential role in a state. They have cadre officers where national and local leaders emerge. Political parties can provide checks and balances even when

not in power by becoming opposition in democratic forums (Jeffs *et al.* 2016). One of the main functions of political parties is the continuous recruitment of cadres. The goal is to supply cadres, who will be promoted to seize the formation of political positions. The candidate selection stage in political parties is still subject to bias, from the formal provisions that are regulated to the informal practices that are carried out. Selection authority and the place of authoritative decision-making are often at the party's highest level. Indeed, in many countries, candidate selection is one of the fundamental rights of local and national party units (Detterbeck 2016; Naumovska and Milka 2022).

The landscape of the party system in post-reform Indonesia has changed. This situation affects the centralization, democratization of governance and decision-making in political parties, including the selection of local head candidates. Efforts to encourage transparency in the selection of candidates and the grass-root level participation of party members are not determined by the formal degree of decentralization. There is always an informal mechanism by the party's national elite to control the candidate selection process. Thus, all strategic decisions of the party are controlled by the elite leadership of political parties, who then build their respective oligarchic thrones (Hadiz and Robiso 2013; Tan *et al.* 2015; Winters 2014).

Table 1: Political Parties Participating in the 2014 and 2019 General Elections in Indonesia
(Source: General Election Commissions (KPU) 2014, 2019)

Number	Elections in 2014	Elections in 2019
1	<i>Partai Nasdem</i>	<i>Partai Kebangkitan Bangsa (PKB)</i>
2	<i>Partai Kebangkitan Bangsa (PKB)</i>	<i>Partai Gerindra</i>
3	<i>Partai Keadilan Sejahtera</i>	<i>PDI - Perjuangan</i>
4	<i>PDI-Perjuangan</i>	<i>Partai Golongan Karya</i>
5	<i>Partai Golongan Karya</i>	<i>Partai Nasdem</i>
6	<i>Partai Gerindra</i>	<i>Partai Garuda</i>
7	<i>Partai Demokrat</i>	<i>Partai Berkarya</i>
8	<i>Partai Amanat Nasional (PAN)</i>	<i>Partai Keadilan Sejahtera (PKS)</i>
9	<i>Partai Persatuan Pembangunan (PPP)</i>	<i>Partai Perindo</i>
10	<i>Partai Hati Nurani Rakyat</i>	<i>Partai Persatuan Pembangunan (PPP)</i>
11	<i>Partai Aceh</i> (Local Party in Aceh)	<i>Partai Solidaritas Indonesia (PSI)</i>
12	<i>Partai Daerah Aceh</i> (Local Party in Aceh)	<i>Partai Amanat Nasional (PAN)</i>
13	<i>Partai Nasional Aceh</i> (Local Party in Aceh)	<i>Partai Hati Nurani Rakyat</i>
14	<i>Partai Bulan Bintang (PBB)</i>	<i>Partai Demokrat</i>
15	<i>Partai Keadilan & Persatuan Indonesia</i>	<i>Partai Aceh</i> (Local Party in Aceh)
16	-	<i>Partai SIRA</i> (Local Party in Aceh)
17	-	<i>Partai Daerah Aceh</i> (Local Party in Aceh)
18	-	<i>Partai Nangroe Aceh</i> (Local Party in Aceh)
19	-	<i>Partai Bulan Bintang</i>
20	-	<i>Partai Keadilan & Persatuan Indonesia (PKPI)</i>

Table 1 shows the list of political parties that have contested the general election in Indonesia in the last ten years. The requirements for participation in the general election are assessed in administrative verification and factual verification, including the presence of core political party administrators at the central level, at least 30% female representation, and permanent offices building of political party at the Central Executive Board level. Then at the provincial level, there are additional requirements, namely 75% membership at the regency and city levels in 34 provinces in Indonesia. The last requirement, namely the distribution of the party administrators to at least 50% of the sub-districts in 75% of the regencies/cities in 34 provinces in Indonesia. Local parties in the Province of the Special Region of Aceh in the 2014 and 2019 Elections based on the implementation of Law Number 11 of 2006 concerning the Government of Aceh. Meanwhile, the Gelora Party, established on October 28, 2019, has officially become the party supporting the local head candidate in the 2020 local election.

In the practice of democracy in Indonesia, political parties play an essential role in selecting and recruiting candidates for the chief executive to be carried out. The basis for determining support is based on the number of seats in the legislature. This candidate selection framework applies at the national and local government levels. The party with a large number of seats will be the leading strategic power in determining the support for local head candidates. Without a dominant legislative seat, political parties will join power to form a coalition in carrying out candidates. Political recruitment in local elections can be oriented towards the direction of a coalition of political parties, determining who is promoted based on political initiatives from a network of coalition actors. The main coalition actors are political party elites, candidates, sponsors, winning teams, political consultants, pollsters and voters. These political actors are directly involved in the stages, starting from voter registration, selection and nomination of candidates, determination of candidates, registration of candidates, campaigns, voting and vote counting, and determination of elected candidates.

Since 2005, local leaders have been elected through direct democracy to exercise decentralized power, but local leaders selected by political parties have been decided centrally (Budi 2020; Reuter 2015). There is a misleading relationship between internal democratization and the level of decentralization of political power externally. Political parties are increasingly undemocratic and centralized in decision-making. In a centralized political party, the relationship between the candidate and the supporting party is principal-agent. In selecting local head candidates, there is the role of an agent (middleman) who regulates the interaction mechanism between candidates, sponsors and party elites at the national level. The parties' formal regulations cannot restrict informal action in candidate selection practices.

Based on that phenomenon, candidate selection has transformed from supply and demand to rational choice action. The candidate selection arena becomes a place for 'buying and selling transactions to get support as the local head candidates. Almost all parties have Organization Guidelines and other formal rules for the process of candidates for local heads. Likewise, the Selection Team, Candidate Selection Team, Desk of Local Election, and the selectors who carry out the selection stages. Such as through survey mechanisms, fit and proper tests, or informal mechanisms.

The candidate selection stage begins when the political party determines who is a suitable figure to support as a candidate on the election ballot. Candidate selection is one of

the strategic functions of a political party in a democracy (Hazan and Rahat 2006). Many studies have been conducted on political parties' systems, procedures, and candidate selection methods (Budi 2020; Detterbeck 2016; Norris 2006; Rahat and Hazan 2001; Vicentini 2019). However, this is still insufficient in explaining the internal candidate model for political parties, especially in the practices of electoral politics in Indonesia. Candidate selection is a strategic stage in political recruitment to produce qualified local leader candidates.

Political recruitment and candidate selection are different activities. Political recruitment is a strategy to attract potential candidates to join for political positions, while candidate selection is a process in which candidates are selected from among potential candidates (Siavelis and Morgenstern 2008). Such is the strategic position of this candidate selection stage, so it is referred to as the "shadow pathways" (Bjarnegård and Zetterberg 2019) or as the 'twin sisters' of the general election, followed by political parties (Rahat 2013). To gain power, political parties compete externally in democratic General Elections and internally, political parties also create competition between elites, factions or groups in the selection of candidates to be nominated in the struggle for support for political office formations.

Candidate selection is the process used by political parties to decide which candidates are qualified to represent interests in the competition for elective office (Rahat 2009). Studies on candidate selection relate to power distribution within party organizations, electoral organizations, and the formal rules that govern these processes (Lundell 2004). Several other studies discuss elite determination, political representation and the conditions that determine the selection of candidates (Norris 2006).

Candidate selection practices in some places indicate a closed and confidential situation. The experience of political parties in the United States describes the candidate selection arena with the term 'smoke-filled roo'. The term comes from practical experience in a room at the Blackstone Hotel Chicago in 1920. In that place, Senator Warren G. Harding's candidate selection was decided to represent the Republican Party in the United States Presidential Election. The decision-makers are described as a group of 'cigar men' well-connected with party power in nominating 'dark horse' candidates at odds with the wishes of the larger group (Bagby 1955).

The "secret garden of politics" (Marsh 1988) is another term that describes the secrecy and mysteriousness of candidate selection procedures. No one knows what activities are carried out by a handful of party elites. The analogy of the secret garden of politics in describing the situation of candidate selection is very influential in subsequent studies of political recruitment. Another candidate selection practice in Nigeria shows that the candidate selection process in most political parties is against the continuity of democracy. Trends that openly show the practice of money politics. Another trend that can be observed is that political thuggery and violence are also deployed with greater intensity in elections. In addition, most of the parties in the primaries, where the parties were forced to do so, were also boldly rigged. It is essential to strengthen the internal democracy of each political party so that they can become a catalyst for the continuation of democracy.

This may be achieved by training and retraining party officials in the administration of political parties. Not on party institutions, politicians also need to be reoriented to carry out

the selection according to the rules (Ojo 2019).

In the practice of electoral democracy in Indonesia, the selection process for local head candidates within political parties is closed (Prianto *et al.* 2021). The existence of formal and written recruitment standards is insufficient to control non-formal actions in the candidate selection process, making the selection arena full of political pragmatism. The opportunistic, pragmatic, and transactional behavior of party elites in the selection process will produce local head candidates with low quality, intellectuality, and integrity (Budi 2020; Hidayaturrahman *et al.* 2020).

The longer the journey of electoral democracy, the more symptoms of stagnation and regression occur. The research results of Budi (2020) found that selecting local heads in political parties, especially the Golkar Party and the PDI-Perjuangan Party is getting further away from democratic procedures. An anomaly is to create local leaders who lead power in a decentralized way. In the practice of electoral politics in Indonesia, institutional factors such as centralization, oligarchy, corporatization, and personalization create a candidate selection mechanism (Budi 2020; Hadiz and Robison 2013; Hopkin 2005; Musella 2015; Reuter 2015; Winters 2014).

Meanwhile, research on candidate selection from a feminist-institutionalist perspective found that the supply and demand-based internal democratization framework for female legislative candidates is still gendered biased (Bjarnegård and Zetterberg 2019; Krook 2010). In the case of local elections in Indonesia, the findings of Budi (2020) on the selection of local head candidates show signs of being increasingly centralized and less democratic for the Indonesian situation. The selection of local head candidates further strengthens the pragmatism of money-based support through the strategic role of political investors (Hidayaturrahman *et al.* 2020). Even in forming coalitions of supporting parties, political parties naturally prioritize direct payments from candidates, mostly cash payments, to ensure support seats and long-term protection (Hendawan *et al.* 2021).

Based on the political discourse of democratization and openness on candidate selection in political parties, based on the new institutionalism approach, the variation of the model used is rational choice institutionalism (Hall and Taylor 1996; Peters 2019). The model is more relevant in explaining how individual interests come from rational calculations, actions, and reactions of other actors. The interaction of rational political actors can lead to competition and conflict that affects the interests of many people. In the rational choice institutionalism approach, society is a collection of pragmatic individuals, and in dealing with a particular institution, the decisions taken are also influenced by exogenous factors. This attitude can develop into cooperation within the institution on the individual's consciousness and adjust his preferences to the people's interests based on the effectiveness calculation. Thus, humans who were initially only rational (who used reason) for individual interests became reasonable humans for collective interests (North 1990; Ostrom 1990). The rational choice approach in politics assumes that individual behavior is motivated by self-interest, maximizing benefits, or, more simply, fulfilling goals (Petracca 1991).

Collective action problems are usually identified with social dilemmas. The problem of collective action is identified as a social dilemma. The typology of collective action problems based on matrix game analysis can be divided into five types: distribution, defection,

coordination, disagreement, and instability problems (Holzinger 2003).

Based on the rational choice institutionalization approach, this paper will examine the dynamics of local head candidate selection from a collective action perspective. The aim is to identify the selection of local head candidates in the city of Makassar, South Sulawesi. The institutionalization of rational choice can be explained by a collective action approach that includes: molecular mentality, the number of individuals, group size and organizational resources.

RESEARCH METHODS

This study focuses on the system and procedure for selecting local head candidates for political parties. The selection of political parties that are the object of research is based on ideological representations, as well as new parties representing the latest dynamics in candidate selection,



Figure 1: Political Parties that are the Object of Research

Meanwhile, the locus of this research is on the executive board of political parties in the South Sulawesi region. In 2020, there are 12 regencies/cities that hold local head elections simultaneously, including the election of the mayor and deputy mayor of the city of Makassar. The object of this research is the chief and elites of political parties at the provincial and city levels. The selection of this object is based on the position of the Regional Executive Board as a strategic actor, as well as the party mediating the interests of the Branch Executive Board in selecting candidates for Regent/Mayor head. This research is based on a qualitative approach, which uses content analysis in analyzing texts sourced from various types of research documents, such as field interviews, news and public opinion in online media and social media. Therefore, the researcher summarizes the data into a single unit in this content analysis. The argument explains the content of the data in the entire text by defining the data from the text into a single concept, where the concept has a meaning that describes the document's original text (Film 2009). Qualitative data analysis was carried out with the NVivo 12 Plus software.

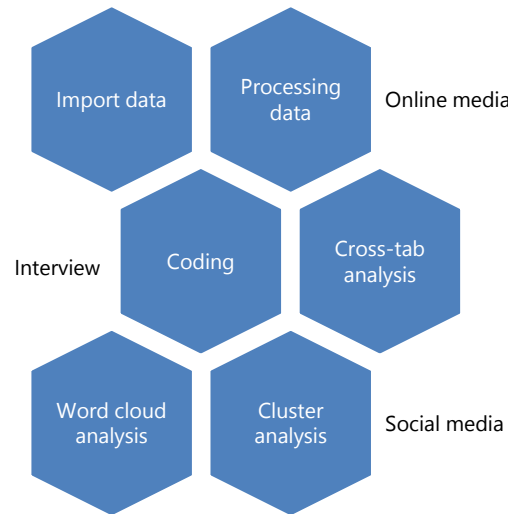


Figure 2: Data Collection and Analysis Techniques with NVivo 12 Plus

RESULTS AND DISCUSSION

Collective Action Candidate Selection in Makassar Mayoral Election 2020

The formation of collective actions and individual and group preferences will form a value for achieving collective goals. Systemic, practical, and normative institutions will determine individual and group preferences (Krook, 2010). Systemic institutions are formal political system characteristics, such as party and electoral systems. Practical institutions related to formal and informal criteria as a condition for participation, including the applicable balloting system. Meanwhile, normative institutions emphasize more substantive matters, such as the prevailing principles of equality and representation.

Collective Mentality

The collective mentality is the creation of uniformity of interests, cooperation, ability to resolve conflicts, rule-making, and appreciation at the level of heterogeneity (Pranietha-Mudliar 2016). Collective mentality understands that small groups are also rational with their interests, but their goals will not be achieved without achieving collective interests or with the larger group. A collective mentality is an act in institutions as a subjective mental construct that individuals use to interpret the world around them and make choices. Collective action from a review of the collective mentality of political parties can be seen in the Technical Guidelines for selecting local head candidates. The existing regulations in political parties show the similarity of interests, cooperation, ability and resolve conflicts within the organization.

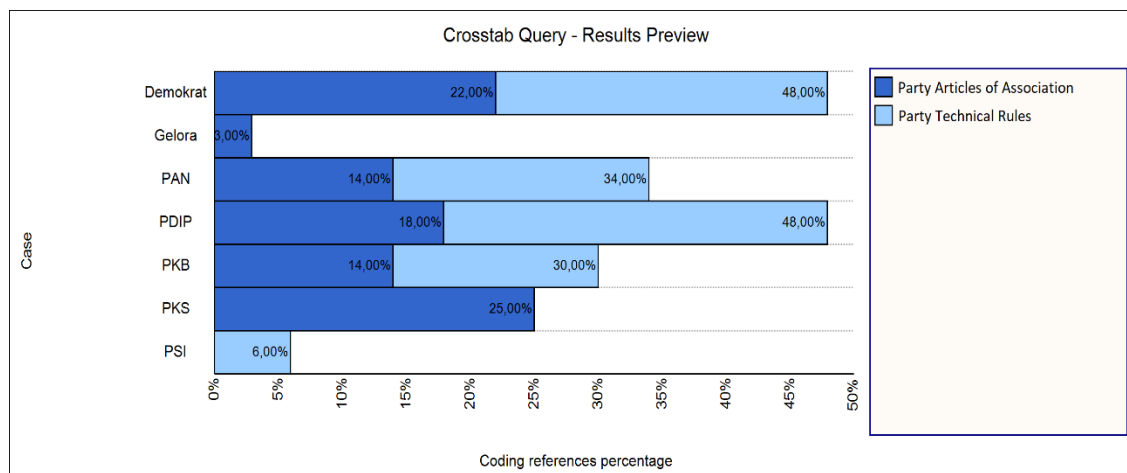


Figure 3: Internal Regulations of Political Parties in the Selection of Local Head Candidates
(Source: Processed by researchers using NVivo 12 Plus)

Figure 3 shows a content analysis of the internal rules of political parties based on Party Articles of Association or Party technical rules and candidate selection Guideline, which mainly regulates the stages, requirements and mechanisms for the selection of local heads. It was found that several parties did not regulate in detail the formal mechanism for determining candidates for local head candidates. Of all political parties that are the object of research, the Demokrat Party gets the highest score, namely 48%, because the Demokrat Party in detail and regulates the formal mechanism for determining candidates for local heads in the Party Articles of Association or Party technical rules and candidate selection Guideline. The Demokrat Party Regulation Number 02/PO/DPP contains the complete regulation on candidate selection on Party Regulation No. PD/I/2020 concerning the local election of Local Heads and Vice-Local Heads. In organizational regulations, the Demokrat Party selects candidates in stages, selection, nomination, and determination by the Party High Assembly.

The political party similar to the completeness of the formal rules for selecting candidates for the Demokrat Party is the PDI-Perjuangan Party. PDI-Perjuangan Party gets a reasonably high percentage of 48%; this party does not explain in detail the mechanism for selecting candidates in the Party Articles of Association or Party technical rules. Still, the mechanism is very detailed in Party Regulation No. 04/2015 on selecting PDI-Perjuangan Party local heads candidates.

The regulation explains that the selection is carried out in stages. Registration is opened by the party structure, starting from the party structure at the local level to the national level. After that, the party conducts administrative verification of the prospective candidates who register, and the prospective candidates who pass the verification are reported to the Central Executive Board. The candidate's character, party solidity, and willingness to comply with party policies will be analyzed at this stage. The final step is the determination of the elected candidate will be determined by the Central Executive Board.

Other political parties, such as Partai Amanat Nasional (PAN) Party and Partai Kebangkitan Bangsa (PKB) Party, have formal rules in Party Articles of Association or Party

technical rules, as well as special party regulations regarding the stages of determining the selection of local head candidates. Still, the written rules are not as complete as those of the Demokrat Party and PDI-Perjuangan Party. Partai Amanat Nasional (PAN) Party formally has Party Regulation No 3/2015 concerning the Winning of Local Heads/Vice Local Heads. Partai Kebangkitan Bangsa (PKB) Party regulates the candidate selection stages in Partai Kebangkitan Bangsa (PKB) Party Regulation No.2/020 concerning the Selection, Determination, and Winning of Candidate for Governor/Vice-Governor, Mayor/Vice-Mayor and Regent/Vice-Regent.

Meanwhile, the Partai Keadilan Sejahtera (PKS) Party regulates the mechanism for selecting local head candidates in the Party Articles of Association or Party technical rules. Still, it does not have a specific party regulation regarding selecting local head candidates, which must be open and democratic. The new political party, Partai Solidaritas Indonesia (PSI) Party, does not regulate the recruitment of local head candidates in the Party Articles of Association or Party technical rules but has a party regulation regarding the convention for selecting local head candidates. Meanwhile, another new party, the Gelora Party, only regulates the decision-making mechanism for recruiting political officials in the Party Articles of Association or Party technical rules. The Gelora Party got the worst percentage in the formal regulation of the local head candidate selection mechanism. There was no detailed explanation, and no supporting regulations explicitly made to select local head candidates.

The various forms of differences built by each political party can be simplified into keywords, which become the distinguishing characteristics of the selected candidates. Visually, these keywords can shape the movement of the text freely (Figure 4).



Figure 4: Keywords in the Selection of Candidates for Political Parties
(Source: Processed by researchers using NVivo 12 Plus)

Word cloud analysis is a metadata visualization of keywords in digital discourse, visualized textually from various sources such as; social media, and online media from the official website. The higher the frequency level of the keyword, the more prominent it will be compared to other keywords. Based on the word cloud analysis processed with the NVivo 12 plus application, the selection of candidates for Mayor and Vice-Mayor of Makassar City 2020

in political parties displays keywords formed from the values, character and organizational culture of political parties. Nationalist parties such as PDI-Perjuangan Party display keywords; party cadres, and ideology, while Partai Solidaritas Indonesia (PSI) Party, a new party, presents keywords; deoxyribonucleic acid (DNA) party and anti-corruption issues. The Demokrat Party came up with keywords; achievement and political capital. Religious nationalist parties such as Partai Amanat Nasional (PAN) Party present keywords; trustworthy (amanah) and visionary. Partai Kebangkitan Bangsa (PKB) Party gave birth to keywords; humanity and moderate. Religious-based parties such as Partai Keadilan Sejahtera (PKS) Party introduced the terms 'helicopter-view' and trustworthy (amanah), and the Gelora Party was present with the keywords; innovative and electability factor. Overall, the keyword wedge and the frequency of word use resulted in the keywords; trustworthy, visionary, and innovative being the buzz-words in the candidate selection process for the Mayor and Vice-Mayor Makassar City 2020 local election.

Individual Quality

Individual qualities will determine actions that allow a person access to all the resources needed for collective action (Poteete and Ostrom 2004). The individual strength of the elites determines the collective action of political parties in decision-making.

The strength of individuals in political parties can be seen from the social-economic status of party leadership, starting from the lowest to the highest level. In Indonesian politics, the developed party is more characterized by a catchall party, which does not yet have a clear and specific social basis, so it still depends on personal character. The figure who becomes the chief of a political party is more dominantly determined based on his financial ability. Chiefs of political parties are usually those who can finance political parties' participation in the elections. Based on this rationality, the chief of a political party with no financial capacity usually has a leadership position that will not be stable and last for a long time. In the leadership profile of political parties at the local and regional or branch levels, there are variations in the background and socio-economic status of the elites of political parties.

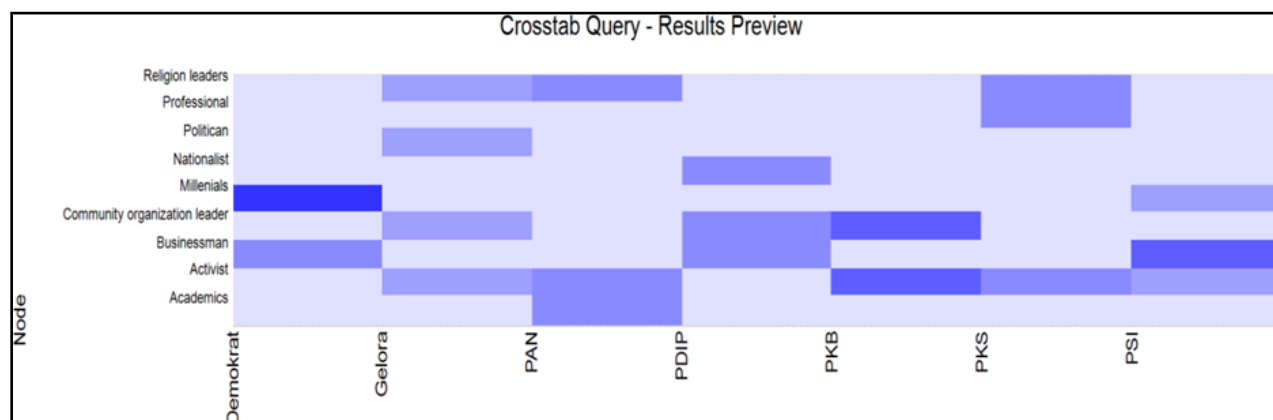


Figure 5: Socio-Economic Status of the Party Elite at the Local Level 2019-2024 (Source: Processed by researchers using NVivo 12 Plus)

Figure 5 illustrates the diversity or variation in the socio-economic background of the political party elites. The socio-economic status owned mainly by the party elite is the background of social activists of various types, be it religious authority, social activists, humanitarian, social activists, or youth social activists. Socio-economic status based on social activists exists in five political parties, namely the Gelora Party, Partai Amanat Nasional (PAN) Party, Partai Kebangkitan Bangsa (PKB) Party, Partai Keadilan Sejahtera (PKS) Party and Partai Solidaritas Indonesia (PSI) Party. Other socio-economic statuses, such as professionals, business people, academics, leaders of community organizations and religious authorities, are each evenly distributed in several political parties.

Group Size

Group size influences collective action strategies. Smaller groups increase higher levels of trust; larger groups increase the costs of collective action (Poteete 2006). Group size is positively related to the spectrum of collective actions and is influenced by production technology, the degree of exclusion, cohesiveness, supply, and heterogeneity within the group. The larger the group size, the more difficult it will be for local head candidates to negotiate interests between group members, meaning that groups built with small sizes are likely to work more effectively. However, the more diverse the interests of group members, the more complicated it is to formulate a collective agreement. One of the group sizes for political parties can be measured by the number of representative seats in the legislature and the strength and completeness of the party's institutional structure at all levels.

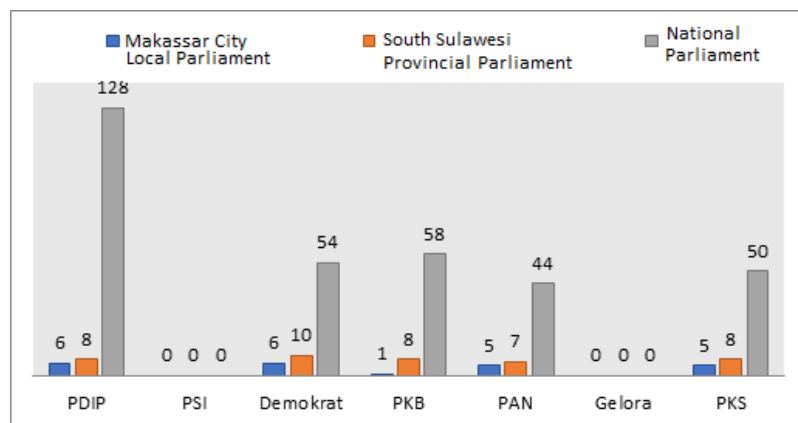


Figure 6: Number of Representatives of Political Parties 2019-2024
(Source: General Election Commission 2020)

The number of seats acquired at the national, provincial and local levels is not always congruent. So that the size of the group in a political party is not always based on power at the national level. The party that wins the general election at the national level does not support the ruling party locally, and *vice versa*.

Table 2: Strength of Political Party Organizational Structure (Source: General Election Commission 2020)

Political parties	Structural strength
PDI-Perjuangan Party	Organizational structure (Complete)
Partai Solidaritas Indonesia (PSI) Party	Organizational structure (Incomplete)
Demokrat Party	Organizational structure (Complete)
Partai Kebangkitan Bangsa (PKB) Party	Organizational structure (Complete)
Partai Amanat Nasional (PAN) Party	Organizational structure (Complete)
Gelora Party	Organizational structure (Incomplete)
Partai Keadilan Sejahtera (PKS) Party	Organizational structure (Complete)

Table 2 and Figure 6 show that the size of political party groups in Indonesia varies widely. PDIP and Democrats are political parties with tremendous local power regarding the number of representatives in the legislature and the party structure. While the two parties have small group sizes, namely the PSI and Gelora parties, the new parties have not even completed structures to reach a grassroots voter base. Collective action is an aggregate of internal dynamics that aims to increase the size of a group over other groups. Through coordination and organizational consolidation, in achieving common goals.

The number of members, symbolic models, social class, religious class, ethnicity, discrimination, and the idea of superiority (Mudliar 2016). The group size significantly influences the candidate selection process, as happened in the Local Head Election in South Sulawesi, especially in Makassar City. The size of the political party groups for each candidate in the Makassar Mayor Election 2020 is represented in Table 3.

Table 3: Political Party Support for Candidates in the 2020 Mayoral Election in Makassar City (Source: General Election Commissions 2020)

Candidate Pair	Political Parties	Chairs Amount
Moh. Ramdhan Pomanto – Fatmawati Rusdi	Nasdem, Gerindra, PBB and Gelora	11
Munafri Arifuddin – Abd. Rahman Bando	Demokrat, PPP, Perindo, PSI	13
Syamsul Rizal – Fadli Ananda	PDIP, PKB, Hanura, Garuda	10
Irman Yasin Limpo – Andi Zunnun NurdiHalid	Golkar, PKS, PAN, Berkarya, PKPI	16

Table 3 shows that each candidate has a relatively even size of the political party group that carries it. The completion of four pairs of candidates has shown a democratic candidate selection process, compared to the Makassar City election in 2018, which only produced a single candidate. The even distribution of political party coalition support among the four pairs of candidates does not reflect a democratic candidacy process. The four pairs of

candidates all have personal and organizational affinities with traditional political clans in local power. The dynamics of competing for recommendations and support from political parties in candidate selection are uncertain.

Organizational Resources

Collective action will make the power of groups outside political parties a collective resource by using costs adjusted to the institution's degree. Resources for collective action can be measured through personal party networks and party organizations.

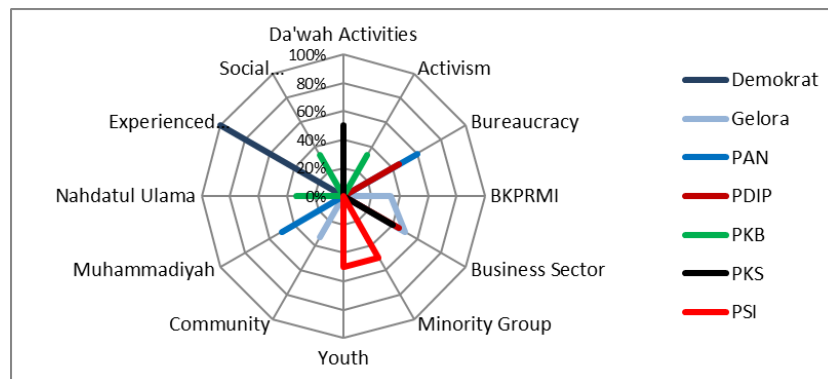


Figure 7: Personal Networks and Elite Party Organizations at the Local Level (Source: General Election Commission 2020)

Figure 7 shows ten major groups that have power in the political party network. The dominant group with a network of political parties is the business sector and bureaucracy. The network with the business sector is owned by PDIP, PKS and Gelora, while the network with bureaucrats is owned by the PDIP and PAN parties. Then four influential groups are closely related to religious identity, namely Da'wah activities, BKPRMI, Muhammadiyah and Nahdatul Ulama. The network of political party elites distributed over these large groups will increase the interest in determining local head candidates. Decision-making in political parties can be influenced by several network groups (Røed 2021).

Table 4: The Professional Background of the 2020 Makassar Mayor Candidate Pair (Source: General Election Commissions 2020)

Candidate Pair	Information
Moh. Ramdhan Pomanto - Fatmawati Rusdi	Incumbent Mayor, Architect - Woman Politicians
Munafri Arifuddin - Abd. Rahman Bando	Businessman - Senior Bureaucrat
Syamsu Rizal - Fadli Ananda	Incumbent Vice-Mayor, Humanitarian Activist, Young Entrepreneurs
Irman Yasin Limpo - Andi Muh. Zunnun Armin	Senior Bureaucrat, Young Politician

Based on the backgrounds of all mayoral and deputy mayoral candidates in the 2020 Makassar City Election, most are bureaucrats, politicians and business people and are dominated by men. The supporting political parties are distributed to four candidates with different party ideologies. Political parties with similar ideologies do not have to form coalitions to contest local head elections. For example, Islamic-based religious parties are distributed in each candidate, no. 1, PBB Party; no. 2, PPP Party, no. 3 PKB Party; and no. 4 PKS Party and PAN Party. This indicates that ideological similarities are not the basis for building political coalitions in nominating a local head candidate.

Collective Action and Institutionalization of Rational Choices in the Candidate Selection

The perspective of rational choice institutionalism provides insight into the social characteristics, structure and behavior of individuals in an institution. In this approach, institutions are conceptualized as rules and incentives that set the conditions for finite rationality, in which political actors need each other functionally. The individual attitude of politicians always seeks to maximize self-interest, but the choices are inherently limited. Limitation of action is carried out because each individual operates within a set of rules from one or more institutions. However, there is always a belief that the goal of a small group can only be achieved if it is carried out in the form of collective actions in a larger group, or what is called collective mentality (Agrawal and Goyal 2001). In addition to being determined by collective mentality, the act of rational choice in achieving goals is also influenced by the size and diversity of the group (Agrawal and Goyal 2001; Poteete and Ostrom 2004).

The effect of heterogeneity and group size determines institutional performance. There are always challenges and opportunities facing individuals in groups who collectively use shared resources. Groups with high heterogeneity will design institutions that allow them to benefit from each other, complement each other, and build stronger foundations for collective action. While larger groups can cope with higher transaction costs, they can also use more shared resources than smaller groups engaging in collective action. Utilization of shared resources according to the agreement of internal groups in collective action (Agrawal and Goyal 2001; Ostrom 1991).

In practice, the collective action perspective will direct how the application of rational choice institutionalism is carried out on three institutional role models in the selection of candidates for local heads in political parties, consisting of principal-agent, game-theory, and rule-based (Peters 2019).

Principal-Agent Model

The main focus of the rational choice institutionalism approach is two-way, consisting of the main directions; how institutions control the behavior of agents and from different directions how agents try to take advantage of institutions to achieve their interests (Putra and Sanusi 2019). Even when actors feel that the existing institutions cannot facilitate achieving goals, there will be efforts to make institutional changes (Peters 2019).

Chiefs of political parties will follow the organization's rules to achieve goals, while

candidates for local heads will take advantage of opportunities from political party regulations to be supported. When each actor, chief of political parties and candidates for local heads, considers that political parties and their internal regulations will not be able to facilitate the achievement of their goals, both parties will encourage adjustments to regulations or institutional rules of the game. Political party leaders can open a privileged space to accommodate local head candidates, who can provide personal and group benefits.

Game-Theory Model

The principal-agent model does not establish an equal relationship between the leader (principal) and followers (agent). There is always a subordination in the relationship between the principal and the agent. Meanwhile, in the game-theory model, all actors in the political arena are in an equal position with their respective interests. The interaction of actors is a form of compliance with the rules of the game set by the competent authority. The existing game rules provide incentive and disincentive schemes for the parties to gain profits in the political arena.

In the local head candidate selection dynamics, a candidate can build a new political identity only to penetrate the support mechanism in political parties. When the legitimacy of support cannot be obtained, then with another political identity, the candidate will pursue new support. There is an equal relationship between the party's chief and the candidates in this position. Candidates are no longer agents controlled by the party's chief as principals. All political actors work with their agendas and interests. Collective action aspects, such as party rules, group size and political power of parties, and ownership of party networks and resources, candidates will switch to other political parties when not taking sides. This model builds a competitive relationship between political actors and their political base. Vice versa, the party leadership does not determine support validity if the candidate cannot fulfill the terms and conditions applicable to the political party. The game's control is not centered on the party's chief but is owned by the local head candidates.

Rule-Based Model

The rule-based model focuses on institutional aspects, no longer looking at actors' interests. This model corrects interaction patterns that rely on free market mechanisms, with the character of free-fight competition. Institutions are used to solve market failures in managing common resources (Ostrom 1990). Without the rules of the game, it will not be easy to control the behavior of actors, which will create a balance situation and not interfere with the common interest. Institutions and rules of the game are formed to achieve organizational balance and stability. Agreed rules of the game will control the irrational actions of actors and reduce uncertainty.

In the candidate selection process, all political parties have written formal rules. Special rules for candidate selection are also presented to prevent free riders from capitalizing on the support of local head candidates. The candidate selection mechanism is generally found in the Party Articles of Association or Party technical rules of political parties and party

organization guidelines. General matters such as the mechanism, terms and stages, and the organizing structure for the candidate selection are regulated. The more detailed and explicit the selection rules and the higher the commitment to implementing these rules, the higher the legitimacy of every decision taken by the leadership of a political party. Political parties with good candidate selection institutionalization will not produce decisions with resistance from their internal members.

The challenge is whether all formal rules and institutions are executed optimally in all local head candidate selection dynamics. In practice, the formal rules of political party organization are still often negotiated by the informal behavior of political party leaders, elites and candidates. The stages, mechanisms, and conditions for obtaining legal support give specific political networks and groups the privilege. Some candidates can be shortcuts to party leaders at the national level without going through a selection at the local level.

CONCLUSION

The rational choice institutionalism approach emphasizes that political party actors are a collection of pragmatic individuals. In dealing with a political institution, the decisions taken are influenced by exogenous factors. This attitude can be controlled into a cooperative interaction within an institution. The individual consciousness of the political party elite, which was initially irrational for individual interests, turned into rational human beings for collective interests. Collective action sees institutions as instruments in regulating the relationship between actors and their respective interests in achieving common goals.

Selection of local head candidates in political parties is a practical form of collective action influenced by collective mentality, individual quality, group size and organizational resources. The rational choice institutionalism approach through principal-agent, game-theory and rule-based model practices can explain the dynamics of local head candidate selection in political parties. This rational choice institutionalism approach can explain the tension of relations between actors in utilizing political party institutions.

COMPLIANCE WITH ETHICAL STANDARDS

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EVALUATING THE ROLE OF TOURISM IN THE ECONOMIC DEVELOPMENT OF THE REPUBLIC OF ARMENIA AND OTHER MEMBER STATES OF THE EURASIAN ECONOMIC UNION

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Abstract: Tourism has a significant role in the economies of many countries. It creates jobs, brings money, promotes investments, decreases poverty, develops infrastructures, etc. Many research works try to evaluate the role of tourism development on the economy. The article evaluates the role of tourism development in the economy of Armenia and checks the Tourism-Led Growth Hypothesis (TLGH). With the help of statistical methods, the article evaluates the connections between tourism total expenses (visitor exports, domestic spending, government spending, and capital investment), the number of tourists and tourism total contribution to GDP, employment and other indicators. Besides, the correlation analysis between these indicators was done for the Member States of the Eurasian Economic Union. The results show that the increase in tourism expenses and the number of tourists will increase GDP and employment. However, the change in tourism contribution to employment is not so high, which was explained by different reasons. The same is the case for other countries of the Eurasian Economic Union. The article results may be helpful for future studies, as well as for government agencies for evaluating tourism contribution to economic development and for elaborating tourism development policies.

Keywords: Tourism-Led Growth; Tourism Expenses; GDP; Armenia; Eurasian Economic Union

INTRODUCTION

Tourism plays a significant role in the economies of the world. This was more obvious after the Covid-19 pandemic. The decrease in tourism arrivals led to a decrease in many indicators such as tourism export services, employment level, GDP level, etc.

Tourism is considered one of the main branches of the economy in the Republic of Armenia (RA). It has shown growth tendencies in recent years (Tovmasyan 2021). Both in the world and in Armenia, the growth of the sphere was disrupted because of the Covid-19 pandemic. According to the Statistical Committee of the RA, in 2019, 1894377 tourists arrived in Armenia (increasing by 14.7% compared to 2018) (The socio-economic situation in the RA, 2019 January-December). In 2020, the number of incoming tourist visits to Armenia was only 360338, decreasing by 81% compared to the previous year.

In 2021 tourism sphere began recovering, and 870308 incoming tourists visited Armenia (The socio-economic situation in the RA, 2022 January).

The research aims to evaluate the role of tourism development in Armenia's economy and check the Tourism-Led Growth Hypothesis (TLGH) for Armenia. For this purpose, some research works were analyzed in the literature review, then, based on the methodology selected, an analysis of tourism development opportunities was carried out with the help of various indicators, assessing the impact of some tourism indicators on the country's economic development with the help of regression equations. Also, a comparative correlation analysis was done between the Member States of the Eurasian Economic Union.

The findings prove that tourism has a positive impact on the growth of GDP. The impact of tourism on employment is not as high as on GDP in the Member States of the Eurasian Economic Union.

LITERATURE REVIEW

Many studies confirm a direct relationship between economic growth, employment and tourism (Peña-Sánchez *et al.* 2020; Brida *et al.* 2020).

The range of variables is essential when forecasting tourism development and assessing the sector's importance in the economy. The number of inbound and outbound tourist visits, the share of tourism in GDP, the number of tourist transfers, tourist expenditures, macroeconomic and demographic indicators, political factors, seasonality, tourism taxes, etc., can be used as independent and dependent variables. Quantitative research methods include extrapolation, correlation, regression, and other statistical and econometric methods, and qualitative methods include expert assessments, types of brainstorming, the Delphi method, scenario analysis, sociological surveys, etc. (Generalova 2014).

Recent research was done for Western Balkan countries using panel regression econometric techniques. The actual income *per capita* of the sample countries was modeled as dependent on the lagged income per capita, tourist arrivals, tourism receipts, FDI stock, exports and government expenditures. The estimation results indicate that tourism has a positive and significant impact on economic growth in the Western Balkan countries, i.e., for every 1% increase in tourist arrivals, the output will increase approximately by 0.08% (Selimi *et al.* 2017).

Another research offers a methodology for measuring the contribution of tourism to economic growth and applies the methodology to the cases of Cyprus, Greece and Spain. In the analysis, the GDP per capita growth in constant prices is perceived as a measure of economic growth. Disaggregating the economic growth into economic growth generated by tourism and generated by other industries derives the impact of tourism on it (Ivanov and Webster 2006).

Fayissa *et al.* (2008), using panel data from 42 African countries from 1995 to 2004, explored the potential contribution of tourism to economic growth and development. The results show that receipts from the tourism industry contribute significantly to the current GDP level and the economic growth of sub-Saharan African countries by making investments in physical and human capital.

Another research was conducted by Pratt (2015) to compare the economic impact of tourism on seven Small Island Developing States. The research employs input-output analysis,

linkage analysis and a CGE model to assess these islands' macroeconomic and sectoral impacts of increased tourism. The tourism income multipliers show that tourism generates a large amount of economic activity, but the income that remains in the destinations is often minimal.

Kozhokulov *et al.* (2019) examined the socio-economic impact of tourism in the Issyk-Kul region of Kyrgyzstan. Accordingly, economic and social efficiency was estimated by the integral indicators formed using the weight coefficients calculated on the statistical data and the forecast for tourism development in the region. The study showed that the impact of tourism on economic and social growth in the Issyk-Kul region is positive using regression analysis. Tourism in the region supports the economy's growth, and tourism's economic sphere strongly impacts society.

Another research (Ren *et al.* 2019) was done to measure the income level of a country's tourist arrival and empirically examine its impact on economic growth and environmental pollution in a sample of eight Mediterranean countries. The research used quantile regression models, autoregressive distributed lag (ARDL) estimations, and a heterogeneity causality test. The empirical results showed that the income level of a country's tourist arrival, across all quantiles, is essential in promoting economic development.

Sequeira and Nunes (2011) used panel data methods to study the relationship between tourism and economic growth. According to their research, tourism is a positive determinant of economic growth both in a broad sample of countries and in a sample of poor countries.

Bulin *et al.* (2014) evaluated the impact of tourism on the economy of the Black Sea region. According to them, the importance of tourism in the economy is given by the share of tourism in GDP and employment and the multiplier effect of tourism and industry efficiency. Calculating the Tourism Multiplier Coefficient for the 12 countries in the region, and making the ratio of the share of industry in GDP and the share of industry in employment has been determined in comparison, the degree that the tourism industry is a critical sector in the economy.

Pavlić *et al.* (2013) investigated the relationship between tourism and employment in Croatia based on quarterly data for 2000-2012. The relationships were examined using the Granger causality test and the Johansen cointegration approach. The empirical research indicates that tourism positively affects employment, while the cointegration test indicates a long-term correlation between the two variables.

Another recent paper empirically examines the relationship between tourism and Saudi Arabia's economic growth. Descriptive statistics, unit root test, VAR model and Granger Causality test were applied to examine the connection between tourism and economic growth in Saudi Arabia for the annual data from 1990 to 2018. The main empirical results of the study find out that tourism positively affects the economic growth in Saudi Arabia (Jamel 2020).

A recent study by Vicente *et al.* (2021) analyzed the impact of wine tourism on economic growth and employment in Spain. By applying panel data techniques, they studied the economic impact of tourism in nine Spanish wine routes from 2008 to 2018. The results suggest that tourism in these wine routes positively affected economic growth. However, evidence of a positive effect on employment generation was not found.

Papagianni (2020) investigated 35 countries with the most significant contribution of tourism to GDP and the countries with the fastest growth in terms of travel and tourism

contribution to GDP. Panel Data and two Fixed Effects (FE) models are used. According to the findings, tourism is indeed a source of employment, especially in the case of low-income countries. International tourism spending, as well as spending on leisure tourism, seems to contribute most to employment.

Kim *et al.* (2006) examined the causal relationship between tourism expansion and economic development in Taiwan. A Granger causality test was performed following the cointegration approach to reveal the direction of causality between economic growth and tourism expansion. Test results indicate a long-run equilibrium relationship and a bi-directional causality between the two factors.

Bento (2016) investigates the relationship between real income and national and international tourism volume in Portugal. The study results prove the long-run cointegration relationship between arrivals at tourist accommodation establishments and real income. The causality results show that foreign tourist arrivals cause real income and detect bilateral causality between domestic and foreign tourists.

Some studies were done to check the tourism-led growth hypothesis. For example, Tang and Tan (2017) tried to determine whether the tourism-led growth hypothesis is globally valid by accounting for countries' income levels and institutional qualities against a panel dataset of 167 countries. The institutional qualities referred to were political stability and corruption control. The dynamic panel generalized method of moments (GMM) approach was used to examine the relationship. The results show that tourism positively contributes to economic growth, but the effect varies across countries at different income levels and institutional qualities.

Nunkoo *et al.* (2020) present the results of a rigorous meta-regression analysis based on 545 estimates drawn from 113 studies that empirically tested the tourism-led growth hypothesis. The results suggest that the estimates are sensitive to several factors related to country data, specification, estimation characteristics, and time. Such sensitivities suggest that greater emphasis should be placed on reporting estimates of the relationship between tourism and economic growth across various methodological characteristics and specification and estimation choices.

Another study by Shahzad *et al.* (2017) examines the empirical validity of the tourism-led growth hypothesis in the top ten tourist destinations in the world (China, France, Germany, Italy, Mexico, Russia, Spain, Turkey, the United Kingdom, and the United States) using the Quantile-on-Quantile (QQ) approach and a new index of tourism activity that combines the most commonly used tourism indicators. The empirical results primarily show a positive relationship between tourism and economic growth for the ten countries considered, with substantial variations across countries and across quantiles within each country. The weakest links are noted for China and Germany, possibly because of the limited importance of the tourism sector relative to other major economic activities in those countries.

METHODOLOGY

The article aims at checking the tourism led-growth hypothesis for Armenia. For that purpose, the article uses the regression method for evaluating the impact of tourism indicators on the change of different economic indicators, i.e., for predicting a continuous dependent variable from several independent variables.

The main equations were calculated using the ordinary least squares method. For the analysis, the data were taken from the World Bank publications and the reports of the Statistical Committee of the Republic of Armenia.

Before conducting regression analysis, the time series of indicators were logarithmed on a natural basis. The first-order differences were calculated, and the trend component was excluded from the time series. Thus, the all-time series became stationary.

Among the variables included in the equations of the article may be an endogenous problem. It should be noted that the issue of endogenesis was not discussed here, as, at the moment, only the correlation between the variables and the coefficient of elasticity calculated based on it is interesting. In this case, the coefficient of elasticity is equal to the coefficient of the explaining variable of the regression equation.

It is known from the first-order Taylor approximation of the function with natural logarithm that: $\ln(x) - \ln(x_0) \approx \frac{x - x_0}{x_0}$. On the other hand, it is known that the following formula

calculates the coefficient of elasticity: $E = \frac{y - y_0}{y_0} \bigg/ \frac{x - x_0}{x_0}$. Or by placing the above equation, it

may be written that: $E \approx \frac{\ln(y) - \ln(y_0)}{\ln(x) - \ln(x_0)}$.

To show that the regression coefficient of rows with natural logarithm is equal to the coefficient of elasticity, the following two double regressions must be considered: $\ln(y) = c + \hat{\beta} \ln(x)$ and $\ln(y_0) = c + \hat{\beta} \ln(x_0)$. Considering the difference of these regressions, it turns out that: $\hat{\beta} = \frac{\ln(y) - \ln(y_0)}{\ln(x) - \ln(x_0)}$.

On the other hand, it is known that the coefficient of the explanatory variable in double regression is estimated as follows: $\hat{\beta} = \frac{\text{cov}(X, Y)}{\text{var}(X)}$. This equation can be represented as follows:

$$\hat{\beta} = \frac{\text{cov}(X, Y)}{\text{var}(X)} = \frac{\text{cov}(X, Y)}{\sqrt{\text{var}(X)} \sqrt{\text{var}(Y)}} \frac{\sqrt{\text{var}(Y)}}{\sqrt{\text{var}(X)}} = r_{XY} \frac{\sqrt{\text{var}(Y)}}{\sqrt{\text{var}(X)}} \quad (\text{Johnston and DiNardo 1996, 82}).$$

Thus, the regression (or elasticity) coefficient is the correlation coefficient of the variables adjusted by the standard deviations of those variables. Double regressions were performed to

calculate this elasticity coefficient without discussing the problem of endogeneity known in econometrics. Also, a correlation analysis was done between some tourism indicators for the Member States of the Eurasian Economic Union.

RESULTS

Analyzing the Change in Tourism Total Contribution to GDP and Employment by the Influence of Spending in the Tourism Sphere

According to the publications of the World Travel and Tourism Council, the total contribution of tourism to the GDP in Armenia in 2018 amounted to 868.7 billion Armenian dram or 1.8 billion US dollars (14.1% of GDP). The total contribution of tourism to employment amounted to 169.3 thousand people (12.5% of the employed) (Armenia 2019, Annual research). In 2019 the total contribution of tourism to the GDP in Armenia was 774.67 billion Armenian dram or 1.6 billion US dollars (11.8% of the GDP) (Armenia 2020, Annual research).

Table 1 shows that in 2018 the expenditures of inbound tourists amounted to 1.24 billion USD, and expenditures of domestic tourists -0.22 billion USD. Government spending and capital investments in tourism are still very low.

Table 1: The Main Indicators of the Economic Impact of the Tourism Sector in Armenia, 2012-2018

(Source: The table was compiled by the author based on data from the World Bank, which is based on the analyses of the World Travel and Tourism Council)

Indicator	2012	2013	2014	2015	2016	2017	2018
A direct contribution of tourism to GDP (billion USD)	0,35	0,38	0,41	0,40	0,42	0,48	0,52
The total contribution of tourism to GDP (billion USD)	1,28	1,35	1,49	1,47	1,51	1,72	1,87
A direct contribution of tourism to employment (1000 jobs)	34.1	34.6	36.0	36.4	40.6	44.3	45,6
The total contribution of tourism to employment (1000 jobs)	125.6	126.1	131.9	135.0	149.9	161.9	169,3
Visitor exports (billion USD)	0,85	0,91	0,99	0,96	0,99	1,14	1,24
Domestic spending (billion USD)	0,16	,18	0,19	0,20	0,20	0,21	0,22
Capital investment (billion USD)	0.08	0.09	0.09	0.09	0.10	0.11	0.12
Government spending (billion USD)	0,01	0,01	0,01	0,01	0,01	0,01	0,01

To assess the role of the development of tourism in Armenian GDP and employment, it is necessary to carry out an analysis using regression models to understand, for example, how the spending of domestic and incoming tourists, capital investments in the tourism sector, and government spending influence on the change of tourism total contribution to GDP and employment.

For the analysis, the data published by the World Bank (based on the analyses of the World Travel and Tourism Council) for 1995-2019 were used (World Bank data on tourism for countries).

A regression model was created between the above indicators. Capital investments, domestic spending, incoming tourist, and government spending were total expenditures. After that, it was estimated how its impact would change the total contribution of tourism to GDP and employment. Before that, the time series of indicators were logarithmed on a natural basis, then the first-order differences were calculated, and the trend component was excluded from the time series. Thus, the all-time series became stationary.

At the same time, it should be noted that 75% of the total expenditures fall on the revenues from international tourist arrivals (visitor exports), 16% - on the expenditures made by domestic tourists (domestic spending), 8% - on capital investments, and only 1% on government spending.

The regression model of total expenditure and total contribution of tourism to GDP is as follows.

Table 2: The Results of the Regression of the Projected Change in the Total Contribution of Tourism to GDP
(Source: the analysis was performed by the author using EViews 10 software package)

Dependent Variable: FD_TOURISM_TOTAL_TO_GDP				
Method: Least Squares				
Sample: 1996 2019				
Included observations: 24				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
FD_TOTAL_COSTS	0.987177	0.084820	11.638495	0.0000
C	-0.120072	1.822395	-0.065887	0.9480
R-squared	0.86028	Durbin-Watson stat		2.414

Table 2 shows that 86% of the volatility of the total contribution of tourism to GDP is explained by the volatility of total expenditures, which is relatively high. It follows from Table 2 that the constant coefficient does not differ significantly from zero. Still, the coefficient of the explanatory variable differs by 1% from zero, i.e., this variable has a decisive role in the variability of the total contribution of tourism to GDP. The insignificance of the constant is because the rows included in the regression equation are stationary. Thus, it turns out that a 1% change in total expenditure relative to its average value will lead to a 0.99% change in the total contribution of tourism to GDP relative to its average value.

The regression model between the total contribution of tourism to employment and total expenditures is as follows.

Table 3: The Results of the Regression Model of the Projected Change in Employment in the Tourism Sector
(Source: the analysis was performed by the author using EViews 10 software package)

Dependent Variable: FD_TOURISM_TOTAL_TO_EMPLOYMENT				
Method: Least Squares				
Sample: 1996 2019				
Included observations: 24				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
FD_TOTAL_COSTS	0.402693	0.186360	2.160832	0.0418
C	-0.683536	4.004034	-0.170712	0.8660
R-squared	0.175078	Durbin-Watson stat		2.093

The explanatory variable in this model is 5% different from zero, contributing significantly to the dependent variable's variability. Not surprisingly, here, too, the constant is statistically equal to zero. Thus, a 1% change in total expenditure relative to its average value will result in a 0.4% change in tourism employment concerning its average value.

Table 3 shows that the change in total expenditures explains the change in total employment in the tourism sector by only 18%. This can be explained in the following way: employment increase is conditioned not so much by the expenses mentioned earlier but by favorable conditions of the business-investment environment, conditions of tax legislation, etc.

It is also necessary to consider the impact of tourism total expenditures on the country's total GDP. The regression model will be as follows.

Table 4: The Results of the Regression of the Projected Change in GDP
(Source: the analysis was performed by the author using EViews 10 software package)

Dependent Variable: FD_GDP				
Method: Least Squares				
Sample: 1996 2019				
Included observations: 24				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
FD_TOTAL_COSTS	0.606815	0.146163	4.151634	0.0004
C	-0.250215	3.140375	-0.079677	0.9372
R-squared	0.439291	Durbin-Watson stat		2.219

Table 4 shows that changes in total expenditures explain 44% of GDP change.

A 1% change in the total expenditures of the tourism sector against the average value will lead to a change of 0.61% (relative to its average value) in the country's GDP.

As mentioned in the methodology, in the equations, the regression (or elasticity) coefficient is the correlation coefficient of the variables adjusted by the standard deviations of those variables. Double regressions were performed to calculate this elasticity coefficient without discussing the problem of endogeneity.

It should be noted that the residuals of all regressions have been checked, and there is no heteroscedasticity or autocorrelation between them.

The series of observations in the above models is 24, as there are no statistics for a more extended period.

Thus, it can be said that to increase the total contribution of tourism to GDP, it is necessary to stimulate inbound and outbound tourism, as most of the expenditures were in the income from inbound and outbound tourism, to stimulate capital investment in the sector, also to increase the share of government spending, which is still very little.

Assessing the Impact of the Number of Incoming and Domestic Tourists on Economic Development Using Regressions

In addition to the above, regression analyses were conducted between the total number of tourists in the Republic of Armenia (including the sum of the number of incoming and domestic tourists, of which 57% are incoming and 43% are domestic tourists) and the volume of services of hotel facilities and food and beverage service activities.

The data are based on the publications of the Statistical Committee of the RA; quarterly data for 2006-2020 were taken. The time series of indicators were logarithmized (on a natural basis), then seasonally adjusted (X12 ARIMA seasonal smoothing method), then, taking the first-order differences, the trend component was excluded from the series. Thus, the interconnections of the stationary series were discussed.

A regression analysis was carried out between the total number of tourists and the change in the accommodation volume and food and beverage services.

Table 5: Regression Results Between the Volume of Accommodation and Food and Beverage Services and Total Number of Tourists (Source: the analysis was performed by the author using EViews 10 software package)

Dependent Variable: FD_RESTAURANTS_AND_HOTELS_REVENUE				
Method: Least Squares				
Sample: 1 56				
Included observations: 56				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
FD_TOTAL_TOURISTS	0.110348	0.017934	6.152855	0.0000
C	2.424372	1.866226	1.299078	0.1991
R-squared	0.399099	Durbin-Watson stat		2.062

In the above model, 40% of the change in the volume of accommodation and catering services is explained by the change in the total number of tourists. This is logical, as first of all, about 25-30% of incoming tourists stay in hotel facilities, the rest stay in relatives' houses or rented apartments, and catering facilities are used not only by tourists but also by the entire population of Armenia. As the statistics on the volume of accommodation and catering services for the whole period covered have been published differently by the Statistical Committee (there has been a separate census since 2009, before the unified index of services was published), the aggregate indicators of the volume of these services have been taken. However, it should be noted that, for example, in 2018, the volume of accommodation services made up about 23% of

the total. In previous years the index fluctuated between 22-25%. This proves that the regression results are trustworthy.

It turns out that a 1% change in the number of tourists compared to its average value will lead to a 0.11% change in the volume of accommodation and catering services.

In addition, a regression analysis was carried out between the total contribution of tourism to GDP and the total number of tourists in Armenia. The data are based on the publications of the Statistical Committee of the RA and the World Bank; annual data were taken for 2002-2019. The time series of the indicators were again subjected to the natural logarithm, and the trend was excluded by the first differencing method.

Table 6: Regression Results between Tourism Total Contribution to GDP and Total Number of Tourists
(Source: the analysis was performed by the author using EViews 10 software package)

Dependent Variable: FD_TOURISM_TOTAL_TO_GDP				
Method: Least Squares				
Sample: 2002 2019				
Included observations: 18				
Variable	Coefficient	Std. Error	t-Statistic	Prob.
FD_TOTAL_TOURISTS	1.07328	0.37120	2.89133	0.01063
C	-0.45994	6.24528	-0.07365	0.94220
R-squared	0.34318	Durbin-Watson stat		2.293

In the above model, only 34% of the change in the tourism total contribution to GDP is explained by the change in the total number of tourists.

It turns out that a 1% change in the number of tourists relative to its average value will lead to an average change of 1.1% in tourism's total contribution to GDP.

It should be noted that there is no autocorrelation in the above regressions, as evidenced by the fact that the value of Durbin-Watson for all regressions fluctuates in the acceptable range [1.5-2.5].

In the above regression models, the p values were obtained significantly (less than 0.05). A value of P indicates whether the model describes a significant correlation, and R-squared (R^2) measures the degree to which the model can explain the data. Therefore, it is possible to obtain a significant p-value with a low value of R^2 . This often happens when there is much variability in the dependent variable, but enough data points reveal a significant correlation (Salvatore n.d.). In addition, according to some theorists, R^2 in the social sciences may be lower (according to some authors, it should be greater than 0.10 (Falk and Miller 1992), 0.13 (this is considered average, 0.02 is weak, 0.26 is significant) (Cohen 1988).

At the same time, in the regression models, R-squared has such value for the regression between employment and tourists (18%). According to the authors mentioned above, this is considered an acceptable value. Since the significant values of p in the above models show a significant correlation between the dependent and independent variables, it can be said that the results obtained for Armenia reflect the real picture (discussed above) and are obtained accurate results.

Tourism Contribution to the Economic Development in the EAEU Member States

Besides analyzing tourism development's impact on the economy of Armenia, a comparative analysis was done for the Member States of the Eurasian Economic Union. As known, the Member States of the Eurasian Economic Union are Armenia, Belarus, Kazakhstan, Kyrgyzstan, and Russia.

The correlation analysis was done between tourism total expenses (visitor exports, domestic spending, government spending, capital investments), tourism total contribution to GDP and employment.

Again, the data published by the World Bank (based on the analyses of the World Travel and Tourism Council) for 1995-2019 were used (World Bank data on tourism for countries).

The time series of indicators were logarithmed on a natural basis, and then the first-order differences were calculated. The trend component was excluded from the time series. Thus, the all-time series became stationary.

Table 7: Correlation Results of Tourism Contribution to the Economy in the EAEU Member States
(Source: the analysis was performed by the author using EViews 10 software package)

	The correlation coefficient between total expenses and tourism's total contribution to GDP	The correlation coefficient between total expenses and tourism's total contribution to employment	R-squared (total expenses and tourism total contribution to GDP)	R-squared (total expenses and tourism total contribution to employment)
Armenia	<i>0.94</i>	0.42	<i>0.88</i>	0.18
Belarus	0.81	0.59	0.66	0.35
Kazakhstan	0.64	<i>-0.03</i>	0.41	0.001
Kyrgyzstan	0.38	0.28	0.14	0.08
Russia	<i>0.99</i>	0.26	<i>0.97</i>	0.07

Table 7 shows the correlation coefficient between total tourism expenses and tourism total contribution to GDP in the countries. Only in Kyrgyzstan, it is 0.38. The R-squared shows that in Armenia, 88% of tourism GDP change is explained by changes in total expenditures, in Belarus – 66%, in Kazakhstan – 41%, in Russia – 97%, and the lowest is in Kyrgyzstan – only 14%.

The correlation coefficient between total expenses and tourism total contribution to employment is negative in Kazakhstan, which means that there is no relationship between tourism expenses and employment in the sphere. The R-squared shows that in Armenia, only 18% of tourism employment change is explained by changes in total expenditures, in Belarus – 35%, in Russia – 0.07%, and in Kyrgyzstan – 0.08%.

So, the analysis shows that the relationship between tourism total expenses and employment in tourism is not as strong as the relationship between tourism total expenses and GDP in tourism. As discussed in the Armenian case, favorable conditions are needed for raising employment and investments.

CONCLUSION

Tourism in Armenia has been growing recently, but in 2020 the sector suffered significantly because of the pandemic. To assess the economic impact of tourism, statistical methods were used to analyze the opportunities for tourism development with the help of various indicators, assessing the impact of some tourism indicators on the country's economy and employment.

Thus, using regression analysis, it can be said that in Armenia:

- a 1% change in the total expenditures of the tourism sector (capital investments of the sector, the sum of inbound and outbound tourist expenses, and government spending) relative to its average value will lead to a 0.99% change in the total contribution of tourism to GDP,
- a 1% change in the total expenditure of the tourism sector relative to its average value will result in a 0.4% change in employment in the tourism sector relative to its average value,
- a 1% change in the total expenditure of the tourism sector relative to its average value will lead to a change of 0.61% of the country's GDP relative to its average value,
- a 1% change in the total number of tourists relative to its average value will lead to a change of 0.11% in the volume of accommodation and catering services relative to its average value,
- a 1% change in the number of tourists relative to its average value will lead to a change of 1.1% in the total contribution of tourism to the country's GDP relative to its average value.

The correlation analysis between the Member States of the Eurasian Economic Union shows that the relationship between tourism total expenses and tourism employment is not as strong as the relationship between tourism total expenses and GDP in tourism. However, the results reveal that tourism development leads to economic development.

Thus, based on the results, the tourism led-growth hypothesis for Armenia (also for the EAEU Member States) may be proved; this means that the increase in tourism expenditures and the number of tourists will lead to an increase in GDP and employment. However, the change in tourism contribution to employment is not so high, which was explained by different reasons.

The obtained results prove the findings of different authors described in the literature review that tourism development contributes to the economic development of countries.

The article results may be helpful for future studies, as well as for government agencies for evaluating tourism's contribution to economic development and for elaborating tourism development policies.

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EMERGING POWER IN INDUSTRIALIZATION: EMPOWERING INDIA THROUGH ENTREPRENEURSHIP

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Abstract: *The 'soft power' can be brought forward and achieved for any developing country through softer means. Advertising (both direct and indirect approach) is a powerful tool for disseminating information to various stakeholders concerning the MSME sector. To introspect the potentiality of India's MSME's emerging power, the researchers attempted to answer the different components that shaped Indian industrialization over the years and also analyzed the direct and indirect audio-visual advertisements created on MSMEs to encourage entrepreneurial activities throughout the nation. The observation indicates that direct and indirect advertisements that promote and encourage the growth of entrepreneurship have their advantages and disadvantages; however, direct advertisements are proven to be preferred over indirect advertisements, while the reason behind it can be the dilution of concept or the prominence of commercialization.*

Keywords: *Industrialization; Entrepreneurship; Advertisements; Emerging Power; India; World Economy*

INTRODUCTION

In the paper 'India: The Emerging Global Power' in 2021, John Thomas, Jacek Kugler, and Ronald Tammen raised the concern of whether India would become a global power and, if so, when? The question is not unfamiliar and has been raised on multiple occasions during the last century. On second thought, the issue of India attaining a prominent position in the global power league is relevant, given that the country is assumed to be emerging from a long power sleep. The power hunt is quite evident as the global power are often spotted covertly controlling trade and economic dispositions. Currently, the status of supreme power is distributed among the United States, European Union (EU), and China, while the United Kingdom and USSR lost amid struggle (Thomas, Jacek, and Tammen 2021). Satya R. Pattanayak published a paper in 'India as an emerging power' where the author strengthens the claim with two significant categories of India's power that would fan the growth and push the nation forward. Hard power

entitles a list of economic, technological, military, and cultural terms that help increase a nation's GDP, according to the data published by the World Bank in 2004. The 'soft power' lies in the diversity in culture and civilization of the nation that has been radiating its influence for centuries and creating exciting outcomes for the nation derived from the learning accumulated from the same diversity (Pattnayak 2007). To introspect the potentiality of India's MSME's emerging power, the researchers attempted to answer the following research questions (RQ):

RQ1: How have different factors in the Indian economy shaped Indian industrialization over the years, transforming India into a possible superpower?

RQ2: How do social media audio-visual advertisements on MSME significantly encourage national entrepreneurial activities, contributing to overall economic development?

Based on the research questions, the following is the broad objective of the study: To study different components that shaped Indian industrialization over the years through the direct and indirect audio-visual advertisements created on MSMEs to encourage entrepreneurial activities throughout the nation.

INDIA AS AN EMERGING POWER IN THE WORLD ECONOMY

Amulya K. Tripathy and Roshni Kujur contributed the finding in a chapter published in 2013 under 'Politico', which claims that India will soon be the third supreme power in all of Asia after Japan and China. The nation faced a series of problems right after independence. It took revolutionary strategies that created more vital allies and helped the nation to step into a new paradigm of growth (Tripathy and Kujur 2013). Some observations have been made in the book 'The emerging states: The wellspring of a New World Order' by Christophe Jaffrelot, where several emerging economies have been compared and consulted to try and predict political and economic coalition between the nations, followed by the changes in the global paradigm. While the author mentioned China being called "the world's factory", India has been termed as "the world's back office", which also brings forth both the opportunities and challenges for the nation when it enters the world stage (Jaffrelot 2009, 25-32).

The constant comparison between the potential GDP and actual GDP would lay the pathway for future development for the nation. However, the recent development has seen unprecedented changes in the deployment (Figure 1) as the gap started increasing significantly from 2019-2020 (-6.67), 2020-21 (-27.52), to 2021-2022 (-28.43). The recent downfall in the actual GDP might bring unforeseen damage to the economic development of the country.

A nation's population is one of the vital determinants that sanctify the growth and the downfall of the states at the same time, the standpoint of the nations in the international arena. The 'historical population growth rate data' shows the variation in India over the years; in 1950, the estimated population was around 350 million, whereas in 2022, the number reached 1.4 billion.

The correlation between the 'years' and 'population growth rate' for 73 years (1950-2022) shows a positive value of 0.995 (Pearson Correlation, 0.01 level of significance, 2-tailed) (UN 2022).

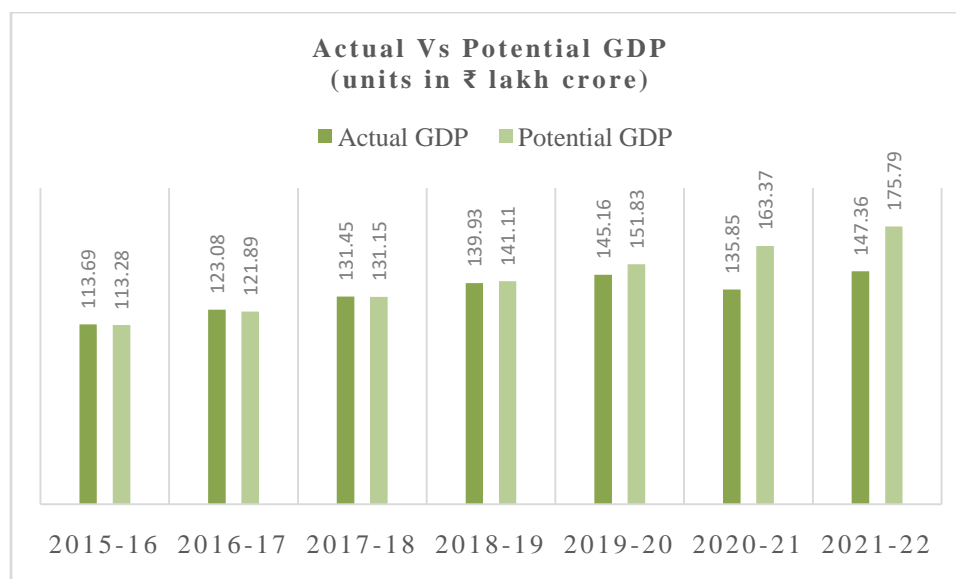


Figure 1: The Gap between Actual GDP and Potential GDP
(Source: Ministry of Statistics and Programme Implementation 2022)

The ratio between the working-age population (15-64 years of age) and the non-working-age population (below 14 years and above 65 years) was higher (Figure 2) in 1950 but dropped to the lowest in 1965. However, it started rising by a considerable percentage from 1975, and in 2020 the ratio stands at 2.05 compared to both the birth and date rates which have dropped significantly since 1950. The increasing ratio between the working and non-working ages brings opportunities for economic prosperity for the nation, often referred to as the 'demographic dividend'. Failure to support the growing number of the working class can be disastrous as it leads to mass unemployment, underemployment, social and economic instability, misery, and strife within the nation (Basu 2021). Along with the GDP that is predicted to reach around \$9 trillion by 2023 and \$40 trillion by the year 2047, the nation would face difficulty in managing the workforce of the working-age population, which is currently catering to around 67 percent of the entire population but is also expected to expand into another 100 million by 2030 (Bhargava 2022).

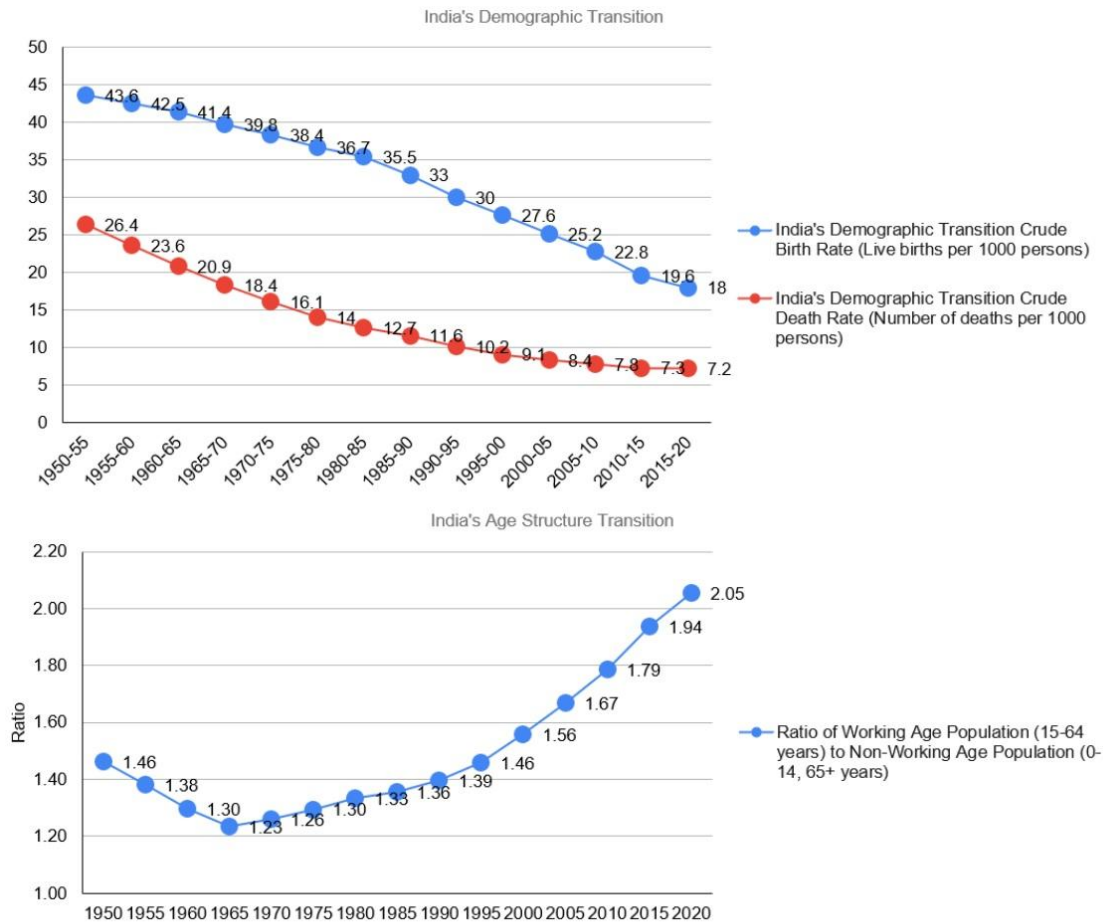


Figure 2: India's Demographic Transition From 1950 to 2020: Birth Rate, Death Rate and Ratio of Working Age Population (Source: Basu 2021)

The ease of doing business ranking formulated by Simeon Djankov, Michael Klein, and Caralee McLiesh, is an indicator to measure the growth of a nation in terms of setting up businesses within the premises in terms of better, more straightforward business regulations along with more substantial and more stable protections of property rights. Lower numerical values indicate that a higher rank enables investors (especially foreign investors) to set up their businesses efficiently with minimum hassles. India is currently ranked 63 (Figure 3), which improved dramatically from 2017 after hovering with minute changes since 2005 and is an indicator of India going through a transformation to becoming a superpower in a relatively short period.

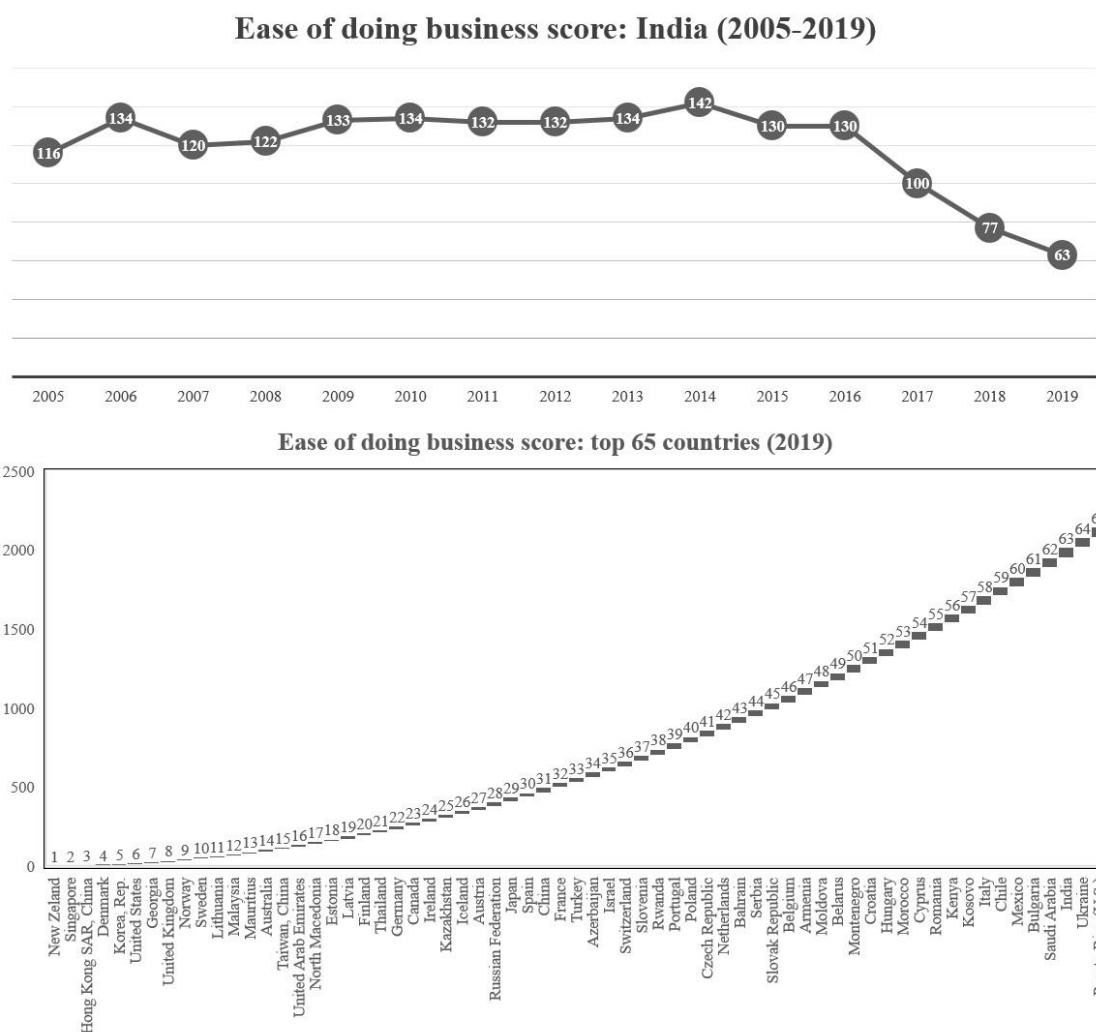


Figure 3: Ease of Doing Business over the Years for India and Current Ranking
(Source: The World Bank 2019)

Large, Medium, Small, and Micro-Scale Industries and Their Contribution to the Indian Economy

The valuation of a nation is calculated on multiple variables. Gross Domestic Product (GDP) and Gross Value Added (GVA) are important variables that help determine the economic development of individual states under the periphery of that nation. GDP (Consumption + Investment + Government Spending + Net Exports) and GVA (GDP + Subsidies on Products – Taxes on Products) are connected to measure the nation's economic development. The Ministry of Statistics and Programme Implementation has compartmentalized the Indian businesses into three distinctive categories 'primary' which includes agriculture, forestry, mining and quarrying, and fishing; 'secondary' comprising electricity, manufacturing, water supply and other utility services, gas, and construction businesses while the 'tertiary' sector accommodates the service industries that are having a share of 21.82 percent, 24.29 percent, and 53.89 percent respectively as on 2021(MSPI 2021).

According to the report from the Ministry of Statistics and Program Implementation in 2022, the combined GDP for the country is the contribution of multiple sectors, which are divided into three broad categories agriculture with an estimated GVA of ₹3,616,523 Cr (20.19%) followed by industry with a contribution of ₹4,644,385 Cr (25.92 %) and Services ₹9,654,295 Cr (53.89%). The industry is further segregated into smaller fragments mining and quarrying with a contribution of ₹292,120 Cr (1.63%); manufacturing ₹2,585,740 Cr (15%); electricity, gas, water supply & other utility services ₹484,477 Cr (3%) and construction ₹1,282,048 Cr (7%). The contribution from the service industry is also subdivided into three distinctive categories trade, hotel, transport, communication, and services related to broadcasting, supported by ₹2,941,477 Cr (16.42%); financial, real estate and professional services ₹3,950,786 Cr (22.05%) and ₹2,761,996 Cr (15.42%) from public administration, defense, and other services.

The government has taken numerous initiatives to boost entrepreneurial activities across the nation. 'Startup India' was an initiative to increase entrepreneurial participation and gradually improve the world ranking. The World Bank calculated the growth of the newly registered firms in India from 2006 to 2018 (Figure 4), which shows that the service industries have escalated to a considerable level compared to the agriculture, manufacturing, and infrastructure industries. The entrepreneurial sector's growth brings innovation, generates employment, and increases *per capita* income (Survey 2020).

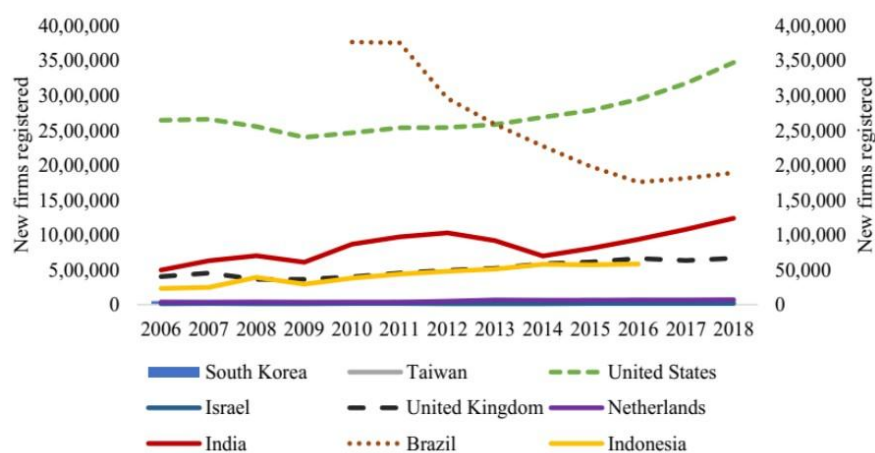


Figure 4: Entrepreneurial Activities across Countries
(Source: World Bank's EODB Entrepreneurship Data 2020)

The Central Statistics Office (CSO), M/o Statistics & Programme Implementation report reflects the contribution of MSMEs to the national GDP and GVA. Surprisingly the distribution of entrepreneurs in urban and rural areas is in a similar range of 309.00 lakh and 324.88 lakh, respectively. While large-scale industries show their interest in setting up manufacturing units and producing goods targeting mass with lower price tags, manufacturing industries also cater to a large chunk of MSME sectors (Figure 5), with many registered entrepreneurs of 196.65 lakh (MSME 2021).

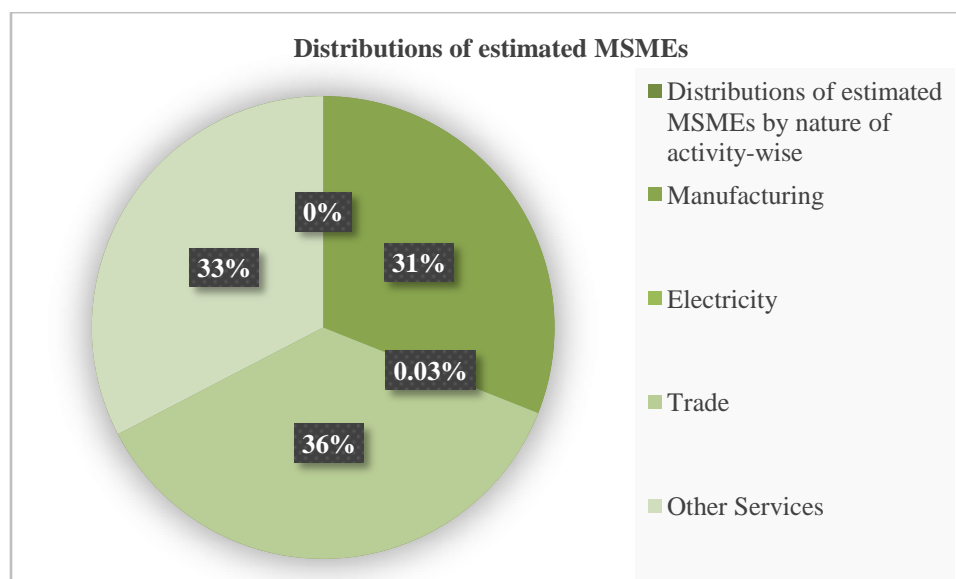


Figure 5: Distribution of MSMEs by their Nature of Activities
(Source: MSME Annual Report 2020-2021)

Result and Analysis

There have been advertisements (printed and audio-visual) of both government and private ownership to support and encourage entrepreneurial activities for years. The advertisements for this study were categorized into two major sections, a direct approach which targets the cause directly promoting entrepreneurship through advertisement, and the other one is an indirect approach, which promotes entrepreneurship discreetly.

Facebook, More Together - Pooja Didi, a milestone campaign launched by Facebook in December 2020, was a significant contributor that encouraged the spirit of entrepreneurship backed up by social media and showed the unprecedented crisis; an entrepreneur might face during a challenging time. The protagonist played the role of a daughter running a shop along with her younger brother, who manufactures sweets and dairy products. The Covid-19 crisis also created a lasting impression on their small business. However, the protagonist extended her share of social responsibility and hired employees who lost their earnings due to the pandemic. Over time, the generosity costs dearly, and the protagonist has to sell off the car to pay the extra salary. The newly hired employees reached out to Facebook. They shared a video paying gratitude to their new employer with an appeal to get more customers, eventually enabling the owner to kick-start the business with more agility. The advertisement from Facebook is a part of their 'More Together' series, primarily created during the COVID-19 crisis in 2020 and 2021. However, this campaign discreetly promotes the spirit of entrepreneurship through their campaign.

Ghari (Ghadi) detergent, Humare Dukaandar Humari Shaan - another campaign by the Kanpur-based brand 'Ghari detergent' addressed a quite pertinent issue during the lockdown in 2020-2021. The audio-visual advertisement shows a grocery shop owner getting up early in the morning and taking a long way carrying a small truck full of materials to his shop when the city

is facing a deadly virus outbreak and goes under lockdown. The shop owner's wife is annoyed and worried about the safekeeping of the shop owner while requesting him to stay indoors, which is refused because of a sense of solid responsibility toward fellow citizens. The wife came to her senses after seeing the shop owner on television, appreciating and realizing the responsibility lies on the shop owners and thousands of others who are instrumental in supplying essential commodities to the millions of populations across the nation. The nature of the advertisement may highlight the brand and its commitment as well as its contribution toward the welfare of society. Still, the static nature indicates the independent entrepreneurs while supporting society with hashtags like #HumareDukaandarHumariShaan.

Women Entrepreneurship Platform 2.0, a direct advertisement from the 'NITI Aayog', Government of India, was published in 2018 to encourage and support women's entrepreneurship across the nation. The apex body of the Women Entrepreneurship Platform (WEP) introduced three pillars of women empowerment through entrepreneurship 'Ichha Shakti', 'Gyaan Shakti', and 'Karma Shakti'. The commercial from NITI Aayog focuses on a young software professional who is desperately trying to bring in new technology and innovation but turns down each time by the superior. Facing rejection multiple times, the protagonist decided to leave the job and start a software company. However, the decision taken in haste and desperation left the protagonist in deep trouble to find out avenues to start her dream venture. The protagonist then suddenly came to the portal of WEP and received the support to structure, start and grow in the dream venture of starting a software company. The 3.15 minutes advertisement might look immature compared to its commercial and private counterparts (indirect approaches), but the focus is direct and impending on the benefits provided by the WEP.

NITI Aayog - CIC Monthly Innovation Chronicle, a recent addition from 'NITI Aayog', the Government of India has an elaborated promotional campaign on the eve of launching their micro-site, describing innovation and opportunities brought by the organization. The 4.23 minutes audio-visual campaign highlights infrastructures and facilities offered by 'NITI Aayog', focusing primarily on developing innovative technologies and solutions. The commercial also features the partnering institutes that would foster the growth of innovation and entrepreneurship under the leadership of 'NITI Aayog' like 'government and allied institutions', 'Atal innovation mission network', 'enterprises and start-ups', 'state and sub-state innovation council', 'research', 'NITI Aayog connected external partners', 'not-for-profit', 'industry agencies', 'Academia', 'doner and multilateral agencies' and 'bodies and financial organizations'. The organization, with premier collaborations like 'AWS', 'World Economic Forum', 'Intel' etc., aims to bring overall growth to the nation by encouraging young participants and women entrepreneurs to get a stronghold in industrialization and innovation.

Anouk Bold is Beautiful: Pregnancy does not mean the end of the Career - 'Myntra' company came up with a strong campaign in 2015 that radiant the willpower and determination of a women entrepreneur fighting against discrimination based on gender and choice.

The commercial revolves around a young architect willing to work hard even during pregnancy (with the significant development of her fetus), keeping aside her struggle to balance both. The protagonist (young architect) is played by Bollywood actress Radhika Apte who engages in a conversation with the superior about the project that the protagonist is supposed

to lead and the due promotion, both of which are halted because of the pregnancy. The later part of the commercial shows that the protagonist takes a reroute and starts her new architecture firm, leaving the job with her current employer. Although the commercial highlights the outfits and accessories of the performers as it is from a leading e-commerce brand that pioneers in the category, the depiction in the advertisement indicates and appreciates the spirit of women's entrepreneurship.

Titan Celestial Time - a commercial from Titan Company Limited in 2015 tagged a fantastic hashtag (#YourTimeToStartup) to advertise one of its celebrated series, 'Titan Celestial'. The short commercial starts with a scene in a restaurant where two men who were also former colleagues have an informal meeting. The young one, said to be a self-made entrepreneur, met his former superior after a long interval and is being praised for his achievements. During the meeting, the protagonist agrees to his search for a new CEO (Chief Executive Officer) for his organization and ends up asking his former superior to be the one to take the offer. The commercial invariably focuses on displaying the watch and its beauty; however, it raises awareness and the importance of entrepreneurship discreetly.

Edelweiss SME Loans - supporting your journey to / Edelweiss SME Business Loans help you - Edelweiss Group is a financial institution based in Mumbai that runs campaigns explicitly aimed at the MSEs and businesses for their financial growth. Edelweiss created two advertisements aiming at start-up businesses featuring Irrfan Khan, who, in the first commercial, sought more considerable financial support from an organization but refused to be aided based on the screening of his qualification and profile. The audio-visual advertisement ended with a scene of Irrfan Khan leaving the place with a determination to find a viable option to support a new business that would judge the potentiality of the entrepreneur based on facts without discrimination. At that moment, a message flashed on the screen announcing 'SME business loans'. The commercial directly approaches the cause and encourages the nation's development through industrialization.

Table 1: Audio-Visual Campaigns Encouraging Entrepreneurial Spirit and Innovation (2015-2022)
(Source: Govt. of India, Edelweiss Group, Meta Platforms, Inc., RSPL Limited, Flipkart Internet Pvt Ltd, Titan Company Limited)

<i>Audio-Visual Campaigns encouraging entrepreneurial spirit and innovation</i>					
Direct approach			Indirect approach		
Brand	Ad campaign	Year	Brand	Ad campaign	Year
WEP (NITI Aayog)	Women Entrepreneurship Platform 2.0	2018	Facebook	Facebook More Together – Pooja Didi	2020
NITI Aayog	NITI Aayog – CIC Monthly Innovation Chronicle	2022	Ghadi detergent	Humare Dukaandar Humari Shaan	2020
Edelweiss Group	Edelweiss SME Loans – supporting your journey to	2017	Myntra	Anouk Bold is Beautiful: Pregnancy doesn't mean the end of the career	2015
	Edelweiss SME Business Loans help you	2017	Titan Watches	Titan Celestial Time	2015

Secondary Data analysis

The systematic analysis of financial and economic data leads to the following observations over the years for India.

Table 2: Assessment Based on the Potential GDP and Actual GDP for the Last Seven Years (2015-22)
(Source: Ministry of Statistics and Programme Implementation 2022)

Year	Potential GDP	Percentage change	Actual GDP	Percentage change	Difference between actual and potential GDP	Percentage change
2015-16	113.28	0	113.69	0	-0.41	0
2016-17	121.89	0.08	123.08	0.08	-1.19	1.90
2017-18	131.15	0.08	131.45	0.07	-0.3	-0.75
2018-19	141.11	0.08	139.93	0.06	1.18	-4.93
2019-20	151.83	0.08	145.16	0.04	6.67	4.65
2020-21	163.37	0.08	135.85	-0.06	27.52	3.13
2021-22	175.79	0.08	147.36	0.08	28.43	0.03

The potential GDP has been scaled up from 2015 to 2022 with the same percentage (0.08); however, the actual GDP has differed as expected from their previous years. A positive development has been observed all along the seven years except for 2020-21 with a negative development (0.08), which might be the suffering caused by the spread of the pandemic (Table 2). However, the percentage differences between the potential and actual GDP present a different picture than the positive development (mostly) of actual GDP calculation for the last seven years. The actual GDP only exceeds the potential GDP (a sign of economic progression) for the initial three years (2015-2016, 2016-2017, and 2017-2018), whereas 2019-2020 experienced a massive difference from the previous year (2018-2019) and followed the trail till 2020-2021 which fortunately stabilized in 2021-2022.

Throughout the last seventy years, birth and death rates have been systematically descended, and the reason can be birth control measures, family planning, increased cost of living, and many more. However, the death rate has also been reduced to 7.2 per 1000 people (Table 3), which can result from advancements in healthcare, improved lifestyle, democratic and economic advantages, etc. However, the interesting fact is that the ratio of working and non-working age people for the last fifty years has not changed much despite implementing numerous strategies to bring economic advantages to the nation and, to some extent, the public. Although in the last thirty years (since 1995), the gap has started increasing with an average yearly increment of 0.067 percent.

Table 3: Assessment Based on the Birth Rates, Death Rates, and Ratio of Working Age (15-64 years) to Non-Working Age (0-14, 65+ years) Population for the Last Seventy Years (1915-2022) (Source: Basu 2021)

Year	Birth Rate (Live births per 1000 persons)	Percentage change	Years range (5 years)	Death Rate (No. of death per 1000 persons)	Percentage change	Years range (5 years)	Ratio of working age (15-64 years) to non-working age (0-14, 65+ years) population	Percentage change
1950	0						1.46	0
1955	43.6	0	1950-55	26.4	0	1950-55	1.38	-0.05
1960	42.5	-0.03	1955-60	23.6	-0.11	1955-60	1.3	-0.06
1965	41.4	-0.03	1960-65	20.9	-0.11	1960-65	1.23	-0.05
1970	39.8	-0.04	1965-70	18.4	-0.12	1965-70	1.26	0.02
1975	38.4	-0.04	1970-75	16.1	-0.13	1970-75	1.3	0.03
1980	36.4	-0.05	1975-80	14	-0.13	1975-80	1.33	0.02
1985	35.5	-0.02	1980-85	12.7	-0.09	1980-85	1.36	0.02
1990	33	-0.07	1985-90	11.6	-0.09	1985-90	1.39	0.02
1995	30	-0.09	1990-95	10.2	-0.12	1990-95	1.46	0.05
2000	27.6	-0.08	1995-00	9.1	-0.11	1995-00	1.56	0.07
2005	25.2	-0.09	2000-05	8.4	-0.08	2000-05	1.67	0.07
2010	22.8	-0.10	2005-10	7.8	-0.07	2005-10	1.79	0.07
2015	19.6	-0.14	2010-15	7.3	-0.06	2010-15	1.94	0.08
2020	18	-0.08	2015-20	7.2	-0.01	2015-20	2.05	0.06

Table 4: Assessment Based on India's Ease of Doing Business Ranking for Fifteen Years (2005-19) (Source: The World Bank 2019)

Year	Ease of Doing Business score	Percentage change
2005	116	0
2006	134	0.16
2007	120	-0.10
2008	122	0.02
2009	133	0.09
2010	134	0.01
2011	132	-0.01
2012	132	0.00
2013	134	0.02
2014	142	0.06
2015	130	-0.08
2016	130	0.00
2017	100	-0.23
2018	77	-0.23
2019	63	-0.18

An increasing value of the ratio of working to non-working age population stipulates the number of eligible laborers who can be utilized in various sectors across the nation to bring prosperity leading to economic growth. As per the prediction of the Ministry of Statistical and Program Implementation, the working-age population will grow up to 100 million by 2030.

However, the nation did an outstanding development in bringing up India's ease of doing business rank to 63 (as of 2019) in the global parameter (Table 4), which should be considered a supporting pillar to encourage more start-ups and generate employment and economic growth. The sector-wise GDP contribution (as of 2021) in the current stage with mining and quarrying (1.63%), manufacturing (15%), and construction (7%) also indicate the potentiality and opportunities lie in the industrial sectors. The increasing rate of entrepreneurial activities over the years also widens the industrial development arena, aided by the increasing number of the working-age population throughout the nation.

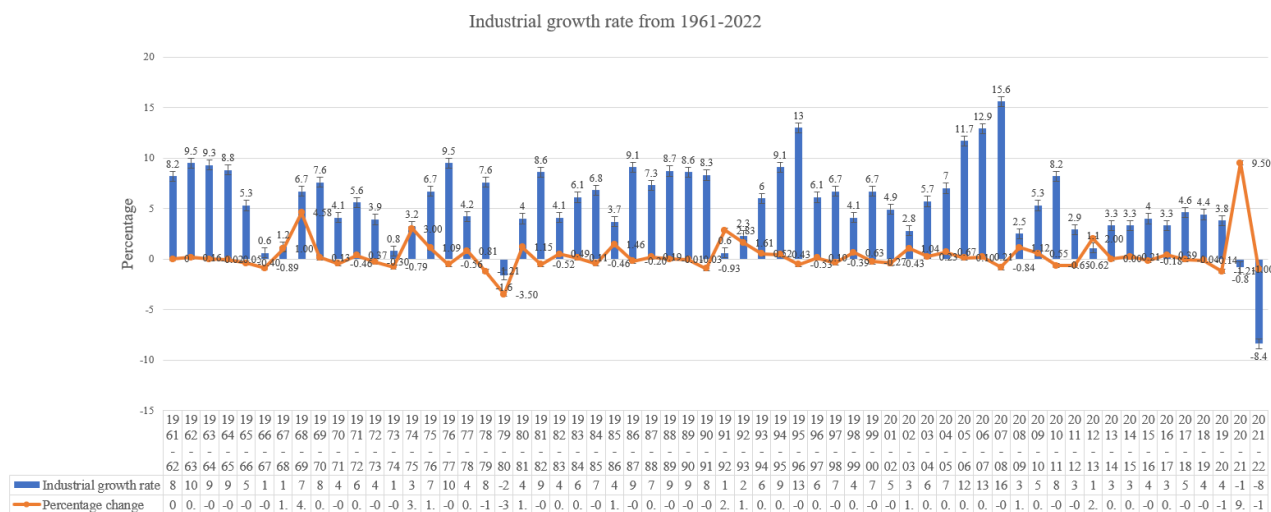


Figure 6: The Industrial Growth Rate for 60 Years (1961-2022)
(Source: Ministry of Commerce - The Government of India 2022)

The industrial growth rate over the years after independence has fluctuated for different reasons. One of the determinants was the central schemes (five-year plans focusing on capital goods, mass-scale consumer goods production, etc.) and the changes in financial, economic, and political policies. However, the growth rates are again on the higher side, which can fuel the growth of the nation and put the nation into a global superpower.

Primary Data Analysis

Three separate polls were created to collect people's perceptions of the emerging power of industrialization, especially for the MSMEs in India (Figure 7). The polls ran for a week on both Facebook and Instagram to collect organic responses based on three questions' industrialization would help India to become a global superpower in (poll 1)' where the LinkedIn responses indicated majorly towards 'next 10 years' followed by '20 years and more', 'next five years and 'next 15 years'; however, the Facebook respondents rated 'next 15 years' as the highest followed by '20 years and more' and 'next 10 years' as their responses.

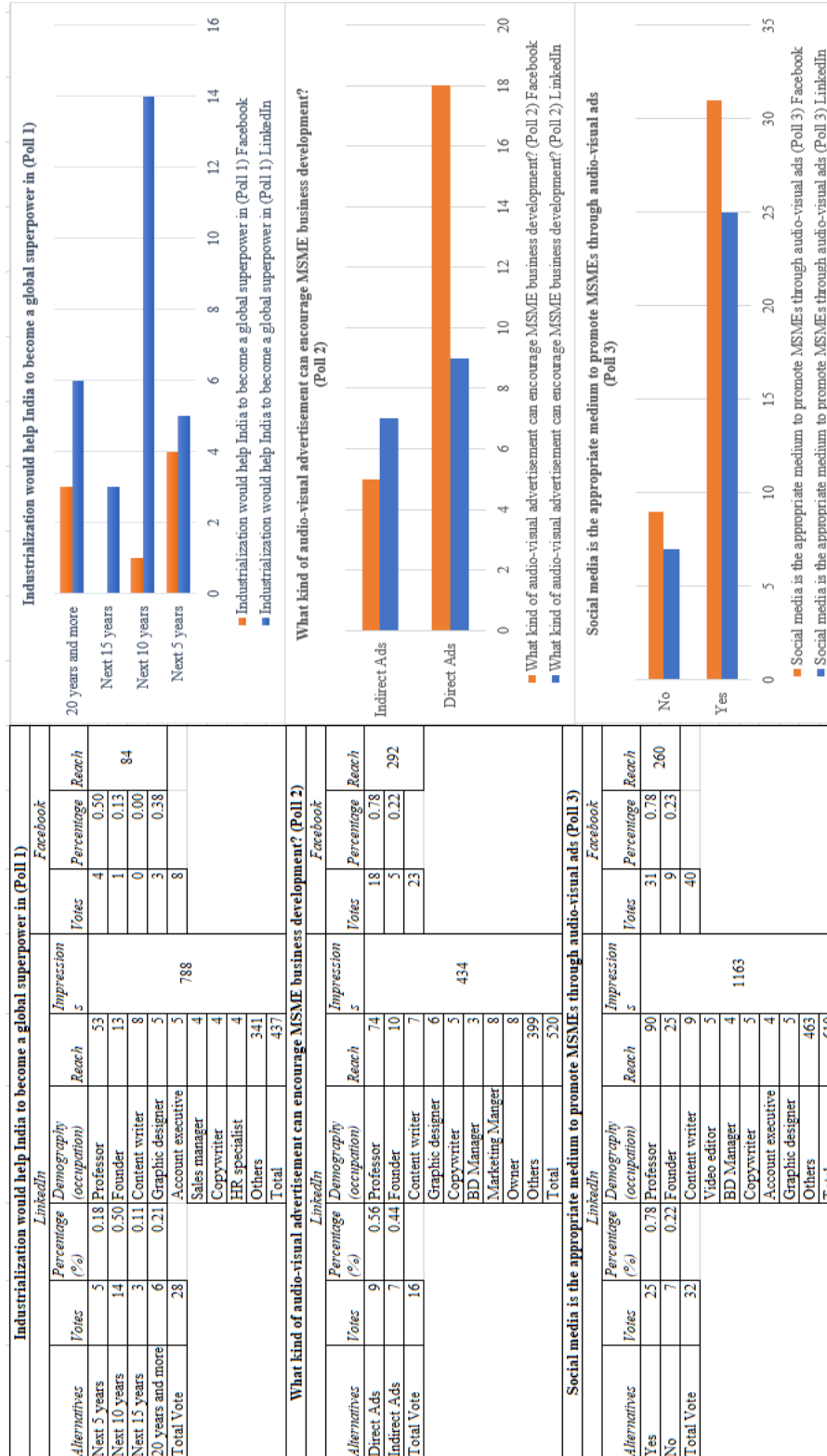


Figure 7: Prospect of India as an Emerging Power of Industrialization
(Source: Meta Platforms, Inc., and LinkedIn Corporation)

The second poll asked the respondents about the kind of audio-visual advertisement that might encourage the MSME business development, and 78 percent of respondents from Facebook vouched for direct ads, and 22 percent went for the indirect ad. The LinkedIn respondents also showed their inclinations toward the direct ad (56 percent) than indirect ads (44 percent). The third and last poll was raised to understand the acceptance of people in using social media as a medium to promote MSMEs through audio-visual ads. 78 percent of responses from both Facebook and LinkedIn users supported using social media to promote audio-video ads on social media.

CONCLUSION

Over the years, the population that worked for the industry setup gradually increased compared to the agriculture sector. Interestingly, the percentage of income contributed to the national income also improved from 19% in 1931 to 21% in 1947. The flourishing of industrial development was fuelled by the needs generated by the foreign countries as well as to match the requirements of the nation itself (Rao 1950). In the later part of the economy, the recent addition was a modification of the digital economy that accelerated growth multiple times. However, the Indian government also introduced supplementary schemes to support the nascent entrepreneurs to take a step toward self-sufficiency. The 'Make in India' initiative in 2014, 'Digital India' campaign in 2015, 'Startup India' initiative in 2015, and 'Atmanirbhar Bharat' scheme in 2020 were significant milestones in strengthening the entrepreneurial capacity of the state (Pal and Tripathi 2022).

Direct and indirect advertisements promoting and encouraging the growth of entrepreneurship have their advantages and disadvantages; however, direct advertisements are proven to be preferred over indirect advertisements, while the reason behind it can be the dilution of concept or the prominence of commercialization. The continuous growth of the working-age population, diminishing death rates, and improvement of the 'ease of doing business' ranking for India are indicators of future prosperity and growth of the nation, especially for the MSME sector. The steady industrial growth rate and acceptance of social media in promoting audio-visual advertisements are gradually establishing the anticipation that India might become a global superpower in the next 10 years.

COMPLIANCE WITH ETHICAL STANDARDS

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THE ROLE OF INFORMATION AND COMMUNICATION TECHNOLOGY IN FIGHTING CORRUPTION IN THE JUDICIARY SYSTEM: THE CASE OF 2016 JUDICIAL REFORM IN ALBANIA

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Abstract: *Corruption in the judiciary system has been considered by Albanian citizens and international organizations as deeply corrupt. In 2016 Albanian Parliament, supported by the EU and USA, adopted a judiciary reform to increase transparency, accountability, impartiality and citizens' access to information. One way of preventing corruption and increasing citizens' access to justice is by using information technology. This paper analyses the role of information and communication technology in preventing corruption in the Albanian judiciary system. The main research question is how and to what extent digitizing the judiciary contributes to preventing corruption in the judiciary system. The paper argues that the use of ICT in the judiciary system has been limited due to several factors, such as lack of legislation on the use of ICT in the judiciary system, absence of a unified automated case management system, lack of appropriate education or training of judiciary staff to use ICT and lack of reinvestments on ICT equipment in courts. The 2016 judicial reform, for the first time, emphasized the importance of digitizing the judiciary system in Albania. The paper concludes that digitizing the judiciary will increase integrity and prevent corruption in the judicial system.*

Keywords: *Digitalization; Judicial Reform; Corruption; Integrity; Vetting*

INTRODUCTION

Corruption has been listed as one of society's most disturbing problems that negatively affect economic growth and increase inequality (Lambsdorff 1999, 5). In Albania, citizens believe that corruption is a widespread phenomenon in all sectors. The poor performance of the country's economy and higher unemployment level should constitute one of the priorities that require immediate solutions (Euronews Albania 2021). According to the 2021 Corruption Perceptions Index published by Transparency International, Albania scored 35 out of 100 (TI 2021). While in 2015, Albania was ranked in 88th place out of 167 countries (TI 2015), six years later, it was ranked in 110th place out of 180 countries, at the same level as Bosnia and Herzegovina, Malawi, Mongolia and Thailand (TI 2021). Other countries of the region were ranked respectively: Kosovo (87th position), North Macedonia (87th position) and Serbia (96th

position). In the same vein, the 2021 Commission Progress Report noted that the impact of anti-corruption measures in particularly vulnerable areas remains limited (Commission 2021, 26).

The judicial system is one of the main areas reported by international organizations and citizens as problematic. According to the 4th GRECO Report on Albania, the judicial system has been characterized by: i) a low level of public trust; iii) a high corruption rate; iii) a weak position compared to executive and legislative branches; iv) a lack of control over the selection of High Court judges; v) the exclusive competence of the Minister of Justice to initiate disciplinary proceedings against first instance judges and judges of appeal courts; vi) the inactivity of the National Judicial Conference, which affects the selection negatively, career advancement, training, and disciplinary proceedings against judges (GRECO 2013, para. 4-5). Whereas different surveys conducted to prepare the analytical document for the judicial reform show that the following reasons mainly influence judicial processes: i) financial interests, ii) business connections; iii) personal connections of judges and prosecutors; and iv) political interests and pressures (GHLE 2015a, 38). For years, international experts and domestic organizations, including citizens' denunciations, have considered the judiciary a sector with a high level of corruption (GHLE 2015b, 10).

In the last 30 years, Albania's judiciary system has undergone profound changes but has failed to strengthen judicial integrity and gain public trust. While in 2016 Albanian Parliament adopted a judiciary reform with the final aim of restoring public trust, still, 6 years later, the judiciary system is considered by citizens as inefficient and corrupted. The latest Human Rights Report by the US Department of State acknowledges that corruption has prevented the judiciary from functioning independently and efficiently (US Department of State 2021).

Furthermore, the high level of corruption has been the main obstacle to Albania's accession to the EU. Since 2009, when Albania applied for EU membership, opening the accession talks has been conditioned with the fulfillment of some recommendations, where the center was judiciary reform (Commission 2010; Commission 2011; Commission 2012). During the period 2010-2014, various EC Progress Reports have considered corruption in the judicial system and political intervention in the promotion of judges, especially in the appointment of High Court and Constitutional Court justices, as a major concern (Commission 2011, 11-51; Commission 2014, 39-44; EASO 2016, 24). Also, other issues considered problematic were identified, such as i) managerial, financial, and administrative shortcomings in the judicial sector (Commission 2012, 13-14; Commission 2012, 48-49); ii) problems with the transparency and accountability of judges (Commission 2012, 13-14); iii) concern over their disciplinary proceeding, their transfer and process of evaluation (Commission 2014, 47-49); and iv) lack of integrity and accountability within the judiciary.

To address these issues in the judiciary system, as a result of USA pressure and the EU threat to withdraw Albania's candidate status, the opposition party - the Democratic Party of Albania - and the government led by the Socialist Party of Albania reached a mutual agreement on the approval of a package of judicial reforms. In 2014 the Albanian government started the process of a deep and comprehensive justice reform, which was approved in 2016 with the consent of all political parties. The new judicial reform was profound in terms that required a Constitutional amendment (around 1/3 of the Albanian Constitution was changed) and the

adoption of a special package of laws (27 laws), and dozens of other bylaws (Garunja 2022; GLPS 2017).

As judiciary reform is still ongoing, little attention has been given to the contribution of digitalization as a tool to increase judicial integrity in Albania. Nowadays, digitalization is no longer a privilege of industrialized countries. Information and Communication Technology (ICT) has been considered a powerful tool to leverage to improve the effectiveness of private and public organizations (Ciborra and Hanseth 1998; Cordella and Bonina 2012, Cordella and Tempini 2015). To increase public trust and avoid corruption, it is required to increase transparency, accountability and citizens' access to information. One way to increase citizens' access to justice is by using ICT. The judiciary is increasingly using various technologies, from the digitization of court filing and administrative systems to automation of decision-making in small claims litigation to machine learning software in criminal sentencing or artificial intelligence (Cui 2020; Zalnieriute 2021; Allsop 2019; Cabral *et al.* 2012; Ahmed *et al.* 2021; Marco 2021). Different jurisdictions have invested in different ICT infrastructures and applications such as i) case law; ii) digitizing case processing (case management and e-filing); iii) teleservices between courts and parties (remote access to courts via audio and video); iv) data analytics; and v) courts in blockchain technology, machine learning, artificial intelligence (Fabri 2021, 2; Velicogna 2007; Velicogna and Bogdani 2017; Commission 2020a; Commission 2020b; Commission 2020c; Commission 2022).

Furthermore, the Covid-19 pandemic accelerated the use of digital tools in all business areas, including the judiciary (Velicogna 2020). In this context, digitalization must be used to increase the judiciary's integrity and simultaneously prevent corruption in this sector.

Digitalization is also gaining momentum in developing countries such as Albania, where information technology is used in all public sectors, including the judiciary. This paper analyses the role of information and communication technology in preventing corruption in the Albanian judiciary system. The paper, first, deals with the phenomenon of corruption in Albania and the forms of its manifestation in the Albanian judicial system. Second, the paper analyses how ICT can increase integrity and prevent corruption in the judiciary.

UNDERSTANDING THE JUDICIAL CORRUPTION IN ALBANIA

According to a general definition, corruption is "the misuse of public office or entrusted power for private gain" (Gloppen 2013, 69). Corruption in the judiciary can be seen in a narrow and broad sense. From a narrow perspective, corruption is associated with the judge who gives an unfair decision in favor of the party who pays a sum of money (bribe). In her book, book 'Technology for Justice: How Information Technology can Support Judicial Reform', Reiling (2009) defines corruption in courts and judiciaries as "an improper use of judicial power for private gain, resulting in decisions that are not impartial" (p. 216). However, today judicial corruption has to be seen in a broader sense. Judicial corruption involves dishonest, fraudulent or unethical conduct by a judge to acquire personal benefit or benefit for third parties (CCEJ 2018, 2-3). In Gloppen's view (2013), judicial corruption includes "all forms of inappropriate influence that may damage the impartiality of justice and may involve any actor within the justice system, including lawyers and administrative support staff" (p. 69). Furthermore, judicial

corruption can be in a kind of sexual favors, offering “furtherance of political or professional ambitions” (Gloppen 2013, 69) or avoiding something undesired in the form of threats. For this reason, to prevent judicial corruption, judges’ integrity must be strengthened to increase the spirit of respect for the law and impartiality in decision-making from any political influence.

Albanian Criminal Code (ACC) contains two types of regimes concerning judicial corruption. Firstly, Albanian legislator has introduced two specific provisions concerning passive and active corruption of Albanian judges, prosecutors and other justice officials (Articles 319 and 319ç). Also, Albanian Criminal Code contains provisions regarding the passive and active corruption of international judges, arbitrators or other international officers (Articles 319/a; Article 319/b; Article 319/c; Article 319/d; Article 319/dh and Article 319/e).

Article 319 ACC foresees the active corruption of judges, prosecutors and other justice officials. This Article stipulates that:

Direct or indirect promising, proposal or offering of any irregular profit, for oneself or a third party, to a judge, prosecutor or any other employee of the judicial bodies to perform or omitting to perform an action relating to their duty, is punishable with a prison term of one to four years.

Article 319/ç foresees the passive corruption of judges, prosecutors and other justice officials. It reads as follows:

Direct or indirect solicitation or reception of any irregular benefit or any such offer for oneself or a third person by a judge, prosecutor, or other employees of the judicial bodies, or acceptance of an offer or promise deriving from an irregular benefit by the judge, prosecutor or other officials of the judicial bodies for performing or omitting to perform an action relating to their duty or function is punishable with a prison term of three up to ten years.

It can be noticed that ACC follows a broad approach concerning judicial corruption without being limited to material benefits or narrowly personal benefits. Also, both provisions imply that any intervention in the form of “promising, proposing or giving an irregular benefit” made to the judge may come by any person and not necessarily by the parties in the process (Law 7895/1995 as amended, Articles 319 and 319/ç). Thus, when talking about the prevention of corruption in the Albanian judiciary, it will refer to the prevention of interventions by the parties in the process and other individuals working in the judiciary system or not.

To fight and prevent corruption, it is important to know the causes that have developed this phenomenon. Each society has its particularities. In the case of Albania, the causes of corruption have been influenced by: i) the historical context; ii) political developments; iii) the degree of economic and cultural development, iv) the degree of consolidation of the principles of the rule of law and iv) the quality of legislation and the level of its implementation. The remaining part of this section sheds light on the causes contributing to corruption in the Albanian judiciary.

Firstly, according to the Group of High-Level Experts, the system of salaries, remuneration and social and health care of judges, before the implementation of the 2016 judicial reform as one of the means to guarantee the independence and impartiality of their task

does not meet the necessity of adequate and duly financial treatment (GHLE 2015b, 75). For years, the budget dedicated to the judiciary system has been one of the lowest among the Council of Europe member states, while salaries have been among the lowest in Europe. According to the 2012 CEPEJ Evaluation Report, “the public budget allocated to courts and public prosecution in Albania is one of the lowest among the Council of Europe member states. Albanian courts and prosecution are allocated €6.1 per capita, whereas the Council of Europe median is €42 per capita” (quoted in Muižnieks 2014, 4-5). The Albanian judge, before the implementation of the 2016 judiciary reform, was paid a gross annual salary of €7350 at the beginning of their career and €14700 at the end of their career, whereas the Council of Europe median is €32704 and €57909 respectively (Muižnieks 2014, 6).

The primary goal of the 2016 judiciary reform was to fight corruption within the judiciary system and restore public trust in justice. To achieve this goal, one of the measures was increasing the budget dedicated to the judiciary system and the salary level. As of 2019, the salaries of judges and prosecutors were increased (more than double the existing ones), bringing them to an acceptable level compared to the importance of the work and the responsibility of the position as a judge/prosecutor (Law 96/2016 as amended, Article 12). While the salaries have been increased, still five years after the implementation of the reform, the budget dedicated to the judiciary is at the level of 89% of the budget requested by the High Judicial Council (HJC 2021, 100).

Secondly, the Albanian judiciary system lacked a transparent, merit-based appointment system and judges’ evaluation. The High Council of Justice (HCJ - Këshillii Lartëi Drejtësisë) was the main institution concerned with ensuring the integrity of the Albanian judiciary. The HCJ was tasked to make decisions concerning appointments, dismissal, transfer, evaluation and disciplinary liability of judges and chairpersons of the courts of the first instance and the courts of appeal and performs other duties determined by law.¹ It was composed of 15 members, respectively: the President of Albania as head of HCJ, the Ministry of Justice as deputy head of HCJ; the head of High Court; 3 members elected by Parliament and 9 members elected by the National Conference of Judiciary. For several years, HCJ failed to make the appointment, career promotion and transfer of judges and prosecution transparent. Such lack of transparency created a perception that the appointment, career promotion and transfer of judges and prosecution are not based on merit or a career system but on clientelism connections (GHLE 2015b, 59). Such political involvement in the judges’ appointments endangers the independence and effectiveness of the judiciary.

Thirdly, the presence of the Minister of Justice has raised concern about the possibility of Executive influence as regards “matters relating to the transfer and disciplinary measures taken in respect of judges at the first level, at the appeal stage and prosecutors” (Venice Commission 2007, para. 33-34). According to Law 8811/2001 (abrogated) and Law 8678/2001, only the Minister of Justice was responsible for initiating disciplinary proceedings against judges. Moreover, as a member of the HCJ, the Minister of Justice participated in disciplinary proceedings and proposed disciplinary sanctions. Still, he did not participate in the voting on a

¹Law 8811/2001, ‘For Organization and Functioning of High Council of Justice’ [2001] OJ 9 (abrogated).

disciplinary sanction.² Such power given to the Minister of Justice has created a perception, even within the judiciary, that the judiciary system was corrupted and depended on political influence. In a survey conducted in October 2012 with 58% of the total number of judges, “25% of them shared the opinion that the justice system is corrupt, and 58% believed the system was perceived as corrupt. 50% of judges thought the judicial system was not liberated from political influence” (GHLE 2015b, 10).

Fourthly, the professional evaluation of judges carried out by the HCJ has been criticized as not being based on objective criteria and merits. The HCJ had the authority to evaluate judges. While the HCJ has used several qualitative and quantitative criteria for the evaluation, it lacked a proper legal base where these criteria have been clarified (Muižnieks 2014, 8). Such evaluation was just a formality.

Fifthly, the judiciary system lacked efficiency and transparency in controlling and assessing judges’ assets. Since 2003, judges have been subject to the declaration of assets and private interests.³ However, the vetting process showed that the control system was ineffective, as 62% of vetted judges and prosecutors did not pass the wealth test, not justifying the declared assets with legal sources (Commission 2021b).

Sixthly, the Albanian judiciary system has suffered from a general efficiency. According to the Group of High-Level Experts, as of September 2014, 70% of complaints against judges with the HCJ concerned the length of court proceedings. Likewise, the number of complaints received by the Ombudsman against judges was relatively high. So far, nearly 50 cases against Albania have been deposited to the European Court for Human Rights related to the excessive length of judicial proceedings (GHLE 2015b, 103). Even after the 2016 judicial reform’s implementation, judicial efficiency remains the ‘Achille heel’. The workload of the judges and the backlog accumulated for years have undermined the principle of access to justice (HJC 2021, 75-94).⁴ As noted by the 2021 HJC Annual Report, the Courts of the First Instance, the general jurisdiction, has functioned with 70% of judges, while the Administrative Court of First Instance has functioned with 87.4% of judges. The absence of judges due to the vetting process has increased the backlog: 36.579 cases in the courts of the first instance, 6.278 cases in the Administrative Court of First Instance and 35.822 cases (HJC 2021, 79-89).

Eighthly, the judiciary system lacked physical infrastructure, and judges’ working conditions were uncomfortable. Due to the limited number of courtrooms, most of the court sessions were held in the judges’ offices. Until 2013, when the Code of Civil Procedure was amended, the court minutes’ were kept in writing by the secretaries (Law 122/2013), while the audio system was implemented relatively late and did not function simultaneously in all the courts of the country (GHLE 2015b, 77).

²Law 8811/2001, ‘For Organization and Functioning of High Council of Justice’ [2001] OJ 9 (abrogated); Law 8678/2001, “On the organisation and functioning of Ministry of Justice in the Republic of Albania” [2001] OJ 27 as last amended by Law 40/2017 [2017] OJ 85.

³Law 9049/2003 ‘On the declaration and audit of assets, financial obligations of elected persons and certain public officials’ as last amended by Law 45/2014 [2014] OJ 74.

⁴According to HJC (2021) Annual Report, a civil case is judged for an average of 119.7 days (Court of First Instance) and 1426 days (Court of Appeal). The criminal case is judged for an average of 68.1 days (Court of First Instance) and 361.4 days (Court of Appeal). In the High Court, the average of judged cases are as follows: 6134 days civil case; 1688 days criminal case and 3990 days for administrative cases.

The parties received information about the dates and times of the court sessions in the Court of Appeal and the High Court inside the court buildings. Meanwhile, although it was legally guaranteed that decisions should be announced publicly, difficulties in accessing reasoned decisions were encountered due to the workload of judges and difficulties in anonymizing personal data displayed in decisions. The lack of transparency caused by limited access to information about the judicial system facilitates corrupt behavior and is, therefore, often an important trigger for corruption (CCEJ 2018, 3).

Finally, although for years the judiciary has been seen as one of the sectors with high corruption, the number of judges convicted for corruption remains very low. One of the main reasons for such a lack of impunity is the immunity that judges enjoyed. This system of immunities prohibited prosecutors from investigating or prosecuting corruption allegations until they made a public request to the High Council of Justice (Muižnieks 2014, 6). Another reason is related to the general culture of impunity that has prevailed for a long time for corruption offenses.

JUDICIAL REFORM IN ALBANIA IN 2016

Political will and financial resources are needed to prevent corruption in the judicial system and establish an independent and impartial system. Successful models for fighting corruption in the judiciary come from countries where the judicial system is characterized by high integrity, accountability, transparency, independence and impartiality (Michel 2009, 4).

Since the fall of the communist regime, the judicial system has failed to gain the public's trust or meet international standards. Despite several legal initiatives to reform in compliance with international standards, the public and the judicial body have perceived the judicial system as deeply corrupt (IDRA 2016; GHLE 2015b, 10). In the 2015 EC Progress Report, the Commission noted the following obstacles in the judiciary system: i) the high level of corruption, ii) the lack of independence; iii) the lack of transparency; and iv) the excessive length of proceedings (Commission 2015, 13-15). According to the Commission, the state institutions dealing with corruption "remain vulnerable to political pressure and influence" (Commission 2013, 41). In this situation, with the pressure of international actors, the new government proclaimed the reform of the judicial system as a priority.

In November 2014, the Assembly created the Special Justice Reform Commission, which analyzed Albania's judiciary system through a Group of High-Level Experts (GHLE 2015b). The Group of High-Level Experts, composed of well-known international and national experts, had the following tasks: i) to analyze the current situation of the judicial system to identify obstacles to be addressed; ii) to determine the objectives of the judiciary reform by drafting a strategic document; iii) to propose a legislative package to address the identified problems (GHLE 2015a; GHLE 2015b). In June 2015, the Group of High-Level Experts presented the analytical document. Structured in 10 chapters (GHLE 2015b),⁵ the analytical document identified the following

⁵ The analytical document was structured in 10 chapters. It was a comprehensive document that analysed the constitutional court (Chapter 3); judiciary system (Chapter 4); criminal justice system (Chapter 5); education legal system (Chapter 6); justice system for legal services (Chapter 7); anti corruption measures (Chapter 8); financing and infrastructure in judiciary (Chapter 9).

problems in the judiciary system: i) high level of corruption; ii) lack of independence and transparency; iii) lack of professionalism; iv) lack of efficiency; and v) lack of public trust in the judiciary system (GHLE 2015a, 10).

After 18 months of technical work and tense political negotiations, on 22 July 2016, Albania's Parliament adopted a long-awaited judicial reform. Considered one of the most radical changes in legislation in 30 years, the judicial reform aimed to address all the obstacles identified by analytical documents and international reports. The implementation of this judicial reform would fulfill the following objectives in the judicial system: i) increase access to justice through the reorganization of courts; ii) guarantee the independence and effectiveness of the High Court; iii) good governance of the judiciary in the function of its independence, accountability, efficiency and transparency; iv) consolidation of the guarantees of the status of the judge, responsibility and accountability in the exercise of the duty; v) guarantee of the transparency of the judicial power and the right to a fair trial; vi) increase the efficiency of judicial administration; vii) create a new relationship of Albanian judicial system with the European courts, and viii) increase the capacities for implementing court or arbitration decisions (GHLE 2015a, 10-19).

In this context, the first measure proposed to restore the public trust in the judiciary was the re-evaluation process of all judges, prosecutors, and their legal advisers (known as the vetting process). Two particular institutions were created for vetting: the Independent Qualification Commission and the Appeal Chamber.⁶ These two institutions were not part of the existing ordinary court system. They were entitled to vet the judges and prosecutors in three important aspects: i) the assets of judges and prosecutors, ii) the detection or identification of their links to organized crime, and iii) the evaluation of their work and professional skills (Law 84/2016, Art 4). The vetting process began operational in February 2019, with one and a half delay, due to the appointment procedure of the Independent Qualification Commission, the Appeal Chamber members and supporting staff. As of 2022, about 1/3 of the judges/prosecutors did not pass the vetting process. According to Article 197b point 8 of the Constitution of Albania as amended, the vetting process was supposed to start in 2017 and end in 2022 for the first instance (Independent Qualification Commission) and 2026 for the second instance (Appeal Chamber). Due to the failure to vet all judges/prosecutors within the stipulated date (end of 2022), its mandate was extended (Law 16/2022). As of 29 August 2022, 183 judges/prosecutors have been confirmed in office, and 220 judges/prosecutors have been dismissed. 79 judges/prosecutors voluntarily have resigned (Reporter.al 2022).

Furthermore, the 2016 judicial reform provided a deep legislative reform affecting the constitutional provisions and other laws concerning judicial governance, the status of judges, professional training, career advancement, accountability, and discipline.⁷ The amendment

⁶ Law 8417/1998 "The Constitution of the Republic of Albania" [1998] OJ 28 as last amended by Law 16/2022 OJ 37, Annex B; Law 84/2016: "On the transitional re-evaluation of judges and prosecutors in the Republic of Albania" [2016] OJ 180

⁷The 2016 Judicial reform abrogated and amended the following laws in force at that time: Law 8417/1998 'The Constitution of the Republic of Albania' [1998] OJ 28 as last amended by Law 16/2022 OJ 37 (The Constitution of Albania); Law 9049/2003, 'On the declaration and audit of assets, financial obligations of elected persons and certain public officials' [2003] OJ 31 as last amended by Law 105/2018; Law 8678/2001, "On the organisation and functioning of Ministry of Justice in the Republic of Albania" [2001] OJ 27 as last amended by Law 40/2017 [2017] OJ 85; Law

brought several novelties to the judiciary system. Firstly, the High Judicial Council (HJC) and High Prosecutorial Council (HPC) were established as two structures dealing with judges and prosecutors. The appointment of members and the composition of these bodies guarantees independence from political influence.⁸ Furthermore, the High Inspector of Justice (HIJ) was established with the sole responsibility: i) to verify claims against judges/prosecutors and ii) begin the disciplinary process against judges/prosecutors, HJC and HPC members and General Prosecutor (Law 115/2016 as amended, Article 194). Thus, in contrast to the previous system, with the judiciary reform, the disciplinary measures process is more independent (Law 96/2016 as amended).

Secondly, the 2016 judicial reform consolidated the status of the judges by adopting specific legislation. The Law 96/2016 as amended, for the first time, provided in more detail: i) the rights and obligations of the judges; ii) acceptance to the School of Magistrate and the procedure of appointment; iii) career development; iv) ethic and professional evaluation; and v) disciplinary responsibility.

Thirdly, the 2016 judicial reform established separate structures to investigate and deal specifically with corruption and organized crime. These specific structures are as follows: i) Special Structure Against Corruption and Organised Crime (SPAK); ii) National Bureau of Investigation and iii) Court of First Instance and Second Instance for Organised Crime and Corruption (Law 95/2016 as amended).

Fourthly, as of 2018, the budget for the judiciary sector has been increased. Before the 2016 Judiciary Reform, the expenditures for the judiciary sector were significantly below the average of the European countries, respectively 0.27% of the GDP. During 2019 and 2020, the budget for the judiciary sector has been increased to an average of 0.35% of GDP. The budget allocated for 2021-2023 is foreseen to exceed 0.4% of GDP. While such an increase is significant, Albania remains far from the average expenditure on the judiciary in EU countries with 0.69% (ISPL 2022).

DIGITIZATION OF THE JUDICIARY AND THE PREVENTION OF CORRUPTION

The interface between law and technology is a growing sphere. Nowadays, information and communication technology is being used in every sector. It has profoundly changed the way humanity interacts and communicates. Also, ICT has increased accuracy and made information easily accessible. Governments are investing in ICTs to modernize various sectors, including the judicial system. Introducing and using ICT is believed to radically change the administration of justice systems and deliver justice more effectively and quickly at a lower cost to all European citizens (ENCJ 2016). Researchers suggest that the use of ICT can be used in the judiciary system to enhance efficiency, access, timeliness, transparency and accountability and to guarantee citizens' rights for equal access to justice (Velicogna 2007; Fabri 1998; Reiling 2009,

9877/2008 'For Organisation of Judicial branch in the republic of Albania' [2008] (abrogated); Law 49/2012, 'For Organisation and Functioning of Administrative Court and adjudication of administrative disputes' [2012] OJ 49 (abrogated); Law 8811/2001, 'For Organization and Functioning of High Council of Justice' [2001] OJ 9 (abrogated); Law 9367/2005, 'On the prevention of conflicts of interest in the exercise of public functions' [2005] OJ 31 as last amended by Law 44/2014; Law 8136/1996, 'For School of Magistrate' [1996] OJ 21 (abrogated).

⁸ For more details on the appointment procedure see Parts 2 and 3 of Chapter 1 Law 115/2016 as amended.

257-279; Hodson 2019; Reynders 2021; Cui 2020; Shahshahani 2018). According to Reiling (2009, 48), the IT for courts can be distinguished into technology for: i) the courtroom (equipment to support judicial process inside the courtroom); ii) the back office (equipment or applications to support the processes that are related to case administration, document production and court management); and iii) external communication (equipment or applications to support communication with parties and the general public outside the courts).

While technology has been met with resistance (Kehl *et al.* 2017), it has directly impacted the judges and court staff, the management systems, court administration, human resources and online libraries. In 2011, the CCJE welcomed the use of ICT to improve the administration of justice, access to justice, case management and the evaluation of the justice system. The CCJE emphasized that “technology must be suitable for the judicial process and all aspects of a judge’s work. Judges should not be subject, for reasons solely of efficiency, to the imperatives of technology and those who control it. Technology also needs to be adapted to the type and complexity of cases” (CCJE 2011, para. 34).

In the case of Albania, the judiciary has used ICT for an extended period. In 2016, CEPEJ published a thematic report on the use of information technology in the judicial systems of the Council of Europe’s Member states. According to this report, based on 2014 data, the use of technology in the Albanian judiciary was in the early stages. The legal framework concerning the use of technology in courts was rated 1 out of 10 points, governance of IT strategy 2.7 out of 10 points, and the level of IT equipment in court 3 out of 10 points (CEPEJ 2016, 85). Most of the IT equipment were computers, case management systems (ICMIS, Ark-IT, CICMIS), audio recording and software programs to manage case courts.

The analytical document acknowledged that Albanian judicial authorities were unprepared to use the ICT system (Bühler and Johnsen 2015, 11). A partial measure was taken, and the lack of training did not deliver the expected results of ICT to fight corruption. The budget allocated for digitization was the lowest among the Council of Europe members (Ministry of Justice 2015, 75).

The 2016 judicial reform recognized the use of ICT in the judicial system to increase the efficiency of the judiciary. The Strategic Document of Judiciary Reform emphasized the need to modernize the system by implementing new technologies and digitizing several processes related to the courts’ daily activity. Special attention was put on the digitalization of the following activities: i) the deployment of ICT in every office and every investigation and trial process; ii) the establishment of online communication of the institutions of the system; iii) strengthening the data protection system; iv) creating a unique national archive of judicial decisions; v) creating a unified national statistical register with system data (GHLE 2015b, 50).

Furthermore, the 2016 judiciary reform introduced a legal framework concerning the use of ICT in the judiciary. As amended, Article 147a of the Albanian Constitution foresees establishing an ICT structure near the courts. Article 94 of Law 115/2016 tasked the High Judicial Council to adopt standard rules for the efficiency of justice, *inter alia*, a guideline on using information technology and taking evidence in courts. The first step to digitizing the judiciary system was establishing the Information Technology Center (QTI). The QTI is the regulatory and standard-setting body in the field of information technology for the entire justice system (DCM 972/2020). Both High Judicial Council and the QTI shall be responsible for the following:

- a) developing or participating in the information technology electronic system for use in the Office of the High Inspector of Justice for the management, coordination, monitoring and supervision of the use of information technology and defining the applicable electronic case management system.
- b) establishing rules for the creation, operation, interoperability and security of the electronic case management system and the protection of personal data saved and used by the system;
- c) maintaining the information technology electronic system of cases following the rules laid down in letter 'b', of this article;
- ç) updating the system periodically to ensure the implementation of functional requirements of inspection and other bodies within the justice system, as well as to reflect amendments to procedural laws;
- d) making sure that the information technology electronic data management system generates statistical information necessary for the work of the Inspector and other bodies.
- dh) ensuring the accuracy and security of data and personal data protection;
- e) setting rules for the mandatory use of the electronic case management system by courts, the unification of data entry and data accuracy (Law 115/2016 as amended, Article 216).

While the 2016 judicial reform addressed the significant concerns that already existed, using ICT in the judiciary is considered a tool to increase judicial integrity in different aspects. Firstly, appointing judges based on meritocracy is essential for independence and judicial integrity. For this reason, the explicit criteria for appointment to office and transparency of the procedure for the appointment, promotion or transfer of judges guarantee that professional and independent persons will be in the position of judges. Judges' selection, promotion, tenure and transfer are based on transparent procedures. The respective laws and bylaws are easily accessible on the HJC website (HJC 2022a). The HJC plenary meetings can be accessed online by interested persons through the Zoom platform. Furthermore, the audio recording and minutes of the meeting are published on the official HJC website, easily accessed by interested parties (HJC 2022b).

Secondly, using technology in the case assignment affects the impartiality of the judge and the prevention of corruption. According to Law 98/2016, as amended, the assignment of cases is done by an electronic lottery based on the principles of transparency and objectivity (Art 25). Using the electronic case allocation, judges are selected randomly, avoiding a possible conflict of interest or political influence. The High Judicial Council is responsible for determining more detailed rules on the program and procedures for assigning cases. In contrast, the High Inspector of Justice shall conduct regular inspections on the case assignment and check the electronic system reports at least once yearly (Law 98/2016 as amended, Article 25).

Thirdly, the automation of the case management system in the courts is seen as an effective tool in ensuring judicial independence, impartiality, higher accountability, transparency and time management (Michel 2009, 10). Also, the electronic case management system provides further oversight by identifying irregularities during the process (Jennett 2014).

Since 2002, the automated case management system has enabled Albanian courts to properly manage cases with internet access for all judges and provided online access to leading court rulings, primarily the decisions of the High Court. However, it has never been fully functional and is not used by all the courts across Albania (ALTRI 2014; HJC 2020, 41). The ICMIS missed main functionalities related to case registration, case assignment to the judges by an electronic lottery and publication of the decision. Due to these missing functionalities in the ICMIS, Albanian courts have performed double work, keeping the record in writing (HJC 2020, 41). Currently, after the HJC enabled 84 strategic changes in the case management system, the use of ICMIS has been simplified, enabling the users with '1-click' to generate information about the court file, the minutes of the hearings, the list of plans and all case decisions (HJC 2021, 109). Interested parties can obtain services or specific documentation (court decisions, copies of court files and documentation from the court archive) by filling out the online application form. The requested document can be withdrawn, within 48 hours, near court reception (HJC 2021, 111).

According to Article 216 of Law 115/2016 as amended, the HJC has decided to create a new automated case management system (CMS) as a responsible institution for automation. CMS will be a management system of data and documents for all courts in Albania and will facilitate updating the case management system with advanced computer programs (HJC 2021, 114). According to HJC, the CMS is expected to increase, in addition to efficiency, the accountability and involvement of court users by: i) providing one-stop access to court decisions, ii) enabling electronic filing; iii) electronic payment; iv) electronic notifications; v) access to digital files; as well as vi) the development of the use of electronic files (e-filing system) by all actors of the justice system (such as prosecutors' offices, bailiffs, lawyers) (HJC 2021, 114).

Fourthly, generating reliable statistics and making them available is important to assess the judiciary's efficiency and to measure judges' workload and performance. By producing accurate statistics about the system of performance, it can evaluate the causes of the delay and analyze whether the pattern of excessive delays has a corruption cause (Michel 2009, 11). On 11 February 2021, HJC adopted a guideline for maintaining and producing statistical data for monitoring the courts' productivity and efficiency (HJC 2022c; HJC 2021, 113).

Fifthly, the lack of transparency concerning the information relating to the judicial system triggers corruption behavior (CCEJ 2018, 3). As noted by CCEJ, "a (traditionally) high degree of transparency and integrity presents the best safeguard against corruption" (CCEJ 2018, 3). In this context, the transparency of judicial processes plays a vital role in reducing corrupt behavior. In the framework of increasing transparency and accountability, the following measures have been digitized:

- the use of courtrooms through 'Calendar Management System PAKS+', which addresses the problem of holding court sessions in judges' offices, which caused a lack of transparency and accountability (HJC 2022c, 24);
- the equipment of the courtrooms with the audio system which records the sessions and through the 'Backup Chain' application enables the transfer of the audio recordings from the servers of the courts to the central server at the Albanian National Agency of ICT (HJC 2022c, 24);
- the 'Kioska' electronic system, which enables electronic display in the court lobby of the calendar of sessions, as well as the details on cases (HJC 2022c, 24); and

- the access to the file information and anonymized court decisions by the parties through the secure identification method (HJC 2021, 111).

Finally, considering that one of the goals of 2016 judiciary reform was to increase the quality of service in the courts and regain the public's trust, Article 94 (5) of Law 115/2016 as amended, stipulated the development of surveys on the assessment of court services by court users. These surveys will be conducted through an online questionnaire that measures the satisfaction of court users (HJC 2021, 113). Despite fulfilling a legal obligation, the questionnaires are important for the judicial system to understand the quality of services provided to citizens and legal professionals.

CONCLUSION

According to various surveys, the perception of corruption in Albania is very high. The judiciary system has been one of the most affected sectors for years. As noted by (CCJE 2018, para. 18), the effective prevention of corruption in the judicial system depends, firstly, on the political will and, secondly, on the institutional, infrastructural and other organizational safeguards for an independent, transparent, and impartial judiciary. In July 2016 Albanian Parliament, supported by the EU and USA, unanimously adopted a judicial reform with a twofold purpose: i) to 'clean' the system from corrupted judges/prosecutors, as well as ii) to increase the court efficiency, independence, impartiality and integrity of the judiciary. From the institutional perspective, the judicial reform in 2016 introduced a new judicial governance system for appointing, promoting, and evaluating judges and disciplinary measures. Also, it established separate structures to investigate and deal specifically with corruption and organized crime. On the other hand, the budget for the judiciary system was increased, and infrastructure improved.

Still, 6 years later, the judiciary system is considered by citizens as corrupted. It is essential to gain public trust in the impartiality of the judiciary, using mechanisms that promote transparency, accountability and public involvement in judicial-related activities and procedures. To increase public trust and avoid corruption, it is required to increase transparency, accountability and citizens' access to information. One way of increasing citizens' access to justice is by using information technology.

ICT in the judicial system is considered indispensable to the internal organization of judicial systems and the efficient delivery of judicial services. The experience of developed countries has shown that digitalization of the court system has i) made information and documents accessible online to interested parties; ii) analyzed judges' workload and causes of delays; iii) introduced consistency and reliable data and statistics, and iv) facilitated the communication and collaboration between different parties.

While developed countries are introducing Artificial Intelligence or e-courts for small claims, the use of ICT in Albania is still limited. The digitalization of several judicial processes or the use of automated case management since 2002 (Ark-IT or CCMIS) has not produced the desired results due to several factors such as lack of legislation on the use of ICT in the judiciary system, absence of unified automated case management system; lack of appropriate education or training of judiciary staff to use ICT and lack of reinvestments on ICT equipment in courts.

The judicial reform in 2016 regulated the use of ICT in the judiciary system for the first time. It introduced legal measures concerning the use of ICT in the judiciary system, which complies with the recommendations of Greco, CEPEJ, and the Council of Europe regarding the prevention of corruption and countries characterized by a judicial system with integrity, low level of corruption and high trust of citizens in the judicial system. Furthermore, it tasked HJC as a responsible institution with QTI to draft guidelines and strategies for digitalizing the judiciary system. At present, the application of ICT in the court system of Albania is limited, mainly reflected in the following three aspects: i) allocation of court cases through the 'Kioska' application; ii) use of an automated case management system; and iii) several features to increase access to justice and improve quality of the courts. E-filing and entire electronic case processing by interested parties (judges, prosecutors, police and lawyers) are the challenges to digitizing court access. Introducing these ICT measures will increase integrity and prevent corruption in the judicial system.

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MANAGEMENT'S PERCEPTION OF THE DETERMINANTS THAT INFLUENCE SMEs PERFORMANCE: EVIDENCE FROM KOSOVO

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Abstract: *Small and medium-sized enterprises (SMEs) are now unquestionable contributors to economic development on the one side and employment creation on the other. To promote sustained growth, SMEs must meet specific prerequisites, particularly the leadership structures of this segment. Therefore, this research aims to investigate and identify the determinants that affect SMEs performance. The research employs a qualitative technique, using questionnaires containing 52 questions. The study surveyed 336 SMEs owners or managers from March to April 2022. The Multinomial Logistic Regression (MLR) empirical technique explored the influence of education level, previous experience, training attendance, business plan, consultation services, and employees' insufficient competency in SMEs performance. The research has revealed that the level of education and consultancy services positively impact SMEs performance. In contrast, neglect of training and employees' insufficient competence harm SMEs performance. The study encourages SMEs owners and managers to take advantage of professional training opportunities and to invest in existing personnel through training to acquire acceptable competence, which will be reflected in management performance. From the perspective of the contribution, it provides the most recent evidence in the context of Kosovo's economy, employing the logistic regression analysis.*

Keywords: *SMEs; Management; Skills; Training; Kosovo; Influence*

INTRODUCTION

Small and medium-sized enterprises (SMEs) continue to be recognized as the central pillar of the economy in developing and advanced countries, particularly in the modern era of globalization. In the opinion of academics, SMEs are an essential component predicated on knowledge. Although numerous studies have been conducted on this topic utilizing various methodologies and variables, certain factors remain unexplored. In conclusion, with full rights, SMEs play an integral role in each country's economy (European Commission 2016a). They cannot be treated as separate from entrepreneurship because entrepreneurship is recognized as a promoter of economic growth (Audretsch 2009). The importance and emphasis on the exploration of SMEs have always been challenging. Still, the appearance of the Covid-19

pandemic and the circumstances caused by the war in Ukraine have shifted the focus even more since SMEs have faced several challenges.

The significance of assessing SMEs' capabilities is derived from various factors connected to these topics, which will be addressed critically and experimentally. Firstly, appropriate policy reflection is based on the notion that SMEs considerably influence the gross domestic product and the reduction of unemployment. Researchers claim that in the EU and worldwide, SMEs are responsible and contributing to a significant portion of GDP, dropping unemployment, and offering a wide range of services (Robu 2013). Secondly, in light of recent continuous technological changes in the global economy, globalization, and recovery as a result of the pandemic and current developments in Europe, SMEs have indeed been influenced to confront a wide range of challenges because the economic outlook is constantly advancing (Krasniqi *et al.* 2020). Lastly, SMEs seem to be the backbone of the free entrepreneurship initiative, which is considered an essential determinant of defining a competitive economy (Krasniqi *et al.* 2020), while it was discovered that SMEs play a significant role in the context of promoting technological progress and innovation in economic activity (Avdullahi and Hoti 2020). In the context of the empirical review, many studies have examined SME performance at the organizational level, stressing the interactions between internal factors or a mixture of (i.e., as in our case) internal and external factors.

Nevertheless, it is essential to emphasize that these studies can help businesses realize their efforts to discover the best approaches to improve the performance of SMEs. Consequently, our research will focus on external and internal variables, instead of macroeconomic indicators, to understand the correlation between the components that influence the efficiency of SMEs. Thus, our research develops the research question (RQ) based on the concerns mentioned above:

RQ: What variables can influence SME performance based on perceptions provided by managers/owners?

To respond to this dilemma, the first part explored the specifics of each parameter and the development of hypotheses. Consequently, the main objective of this research is to empirically examine the interaction and significance of education level (EL), previous experience (PE), attendance of training (AT), drafted business plan (DBP), consulting services (CS), and employees' insufficient competencies (EIC) in SMEs performance. To support this aim, research was conducted with a sample of 336 companies in March and April 2022. Additionally, the research is designed to empirically evaluate the factors affecting the productivity of SMEs by employing multinomial logistic regression (MLR) to determine the correlation between these factors. Starting from the perspective of innovation and originality, this study covered a combination method of internal and external factors to evaluate the performance of SMEs, employing a well-defined econometric model. Furthermore, empirical evidence provides a sustainable basis for SMEs and national strategies.

THEORETICAL BACKGROUND AND HYPOTHESIS DEVELOPMENT

This section begins with the theoretical and empirical background and then continues with constructing research hypotheses. The effectiveness of SMEs can be evaluated quantitatively using various metrics such as efficiency through financial results, productivity, the number of clients (Anggadwita and Mustafid 2014), market participation, profitability indicators, turnover, liquidity, value add, and many other financial indicators (Gupta and Batra 2016; Zimon 2018; Claudiu, Popa, Marinescu, and Stefan 2019). A qualitative approach, on the other hand, is utilized to evaluate SMEs performance, with metrics like as leadership style, employee behavior, customer loyalty, managerial skills, consulting services, types of innovation, and several other parameters being employed (Expósito and Sanchis-Llopis 2019; Krasniqi *et al.* 2020). Studies have presented a set of multi-dimensional measures in the form of a guide of balanced outcomes in which organizational factors may be employed to determine the efficacy of SMEs performance as the paradigm for measuring management performance, respectively, SMEs performance (Avdullahi and Hoti 2020; Coelho, Duarte, and Borges 2018; and Durguti *et al.* 2020). As a result, the qualitative research method will be our primary focus in the context of our study.

Expósito *et al.* (2019) used a multi-dimensional approach to examine the influence of different sorts of novelty on SMEs in the scenario of Spanish SMEs. The discoveries of this revision advocate a significant connection for executives, decision-makers, and innovation to stimulate SMEs' growth. Additionally, the multi-dimensional outlook on the association between novelty and SMEs contends that making the right decision for innovation is vital in achieving the wanted outcomes in the context of limited resources for novelty. Krasniqi *et al.* (2020) examined the interaction of numerous parameters such as research and development (R&D), product innovation, patenting, the importance of staff experience, the creation of new business ideas, and the worth of flexibility on the level of profit from the perspective of the qualitative approach. The study was conducted using OLS, and the econometric outcomes reveal that R&D and patenting have a considerable favorable impact on firm profits. Continuing in this vein, Avdullahi and Hoti (2020) looked into the connection between SMEs growth and human capital-related factors, environment factors, firm-related factors, firm strategy variables, and information and technology. The observations based on the logistic regression methodology indicate that entrepreneurial age, company age, tough competition, innovation, and Internet use all influence the growth of SMEs.

Given a more clear perspective, Coelho *et al.* (2018) examined the literature devoted primarily to the causation between organizational behavior, firm strategy, economic circumstances, and business success. The study found a correlation between innovation, internationalization, and performance. Lastly, Durguti *et al.* (2020) employed multivariate analysis to evaluate the influence of management experience on the growth of SMEs, examining the determinants of experience, experience before starting the firm, business plan, perspective on the growth of the sector, and founder age. Throughout this study, 500 questionnaires were distributed to SMEs in seven (7) Kosovo regions, covering three activities: production, market, and services. As demonstrated by the study discoveries, there is a link between the manager's experience, previous business experience, and the growth of the industry in which they operate.

Development of Research Hypotheses

In this section, we will formulate the hypothesized relations based on the previous argument on the features affecting SMEs performance - (BP) by employing the probability sample method and the exhibition of verifiable facts to create appropriate reactions to the research question presented. Continuously education has been recognized as a crucial factor in BP, and then management should continue their education journey to sustain success. Eugene (2014) observed that education could support SMEs executives to create critical thinking skills and competitive ambitions to become effective in business. Education substantially impacts the expansion of general abilities like communication and collaboration via problem-solving. Corresponding to Etschmaier (2010), higher education improves the ambitions of SMEs to obtain a competitive lead and the opportunity to grow earnings since they have adequate education. In addition, research conducted by Magoutas, Agiomirgianakis, and Papadogonas (2011), analyzing a panel of 287 firms, revealed that education has a significant consequence on SMEs'.

H₁: Education has an important positive consequence on BP.

Work experience in the context of the expansion and growth of SMEs is essential, and without a doubt, an advantage can be created from the management of a business. According to a study performed by Fatimah and Azhari (2013), firms with a leadership structure with previous experience are more likely to be successful than businesses without experienced management. Frese and Gielnik (2014), as well as Durguti *et al.* (2020), came to the same result that managers with more than 5 years of experience in business leadership outperform those with less experience. Therefore, the hypothesis for this measurement is presented as follows:

H₂: Previous experience has an important positive consequence on BP.

Training is an essential component of continuous education, which is seen as a crucial component that should benefit SMEs from an academic standpoint. Almost all research incorporates this component in the analysis. Still, one recent research by Idris, Saridakis, and Johnstone (2020) evaluates the correlation between training and performance (based on managers' perceptions) in the United Kingdom. The study relied on a company survey conducted in the United Kingdom, which comprised reliable data on over 15,000 owner-managers. The hypothesis was tested using ordered logistic probit, stating that there is a positive correlation between these two factors. As a result, our research provides a hypothesis based on this argument:

H₃: Training has an important positive consequence on BP.

The business plan, which firms use as a road map for reaching goals, has been utilized in research to determine managers'/owners' perceptions and if it has any considerable effect on increasing productivity. A considerable number of studies have attempted to defend divergent

views, revealing that there is no perfect agreement on the consequence of the business plan. Krasniqi *et al.* (2020) and Kunoviku-Demiri *et al.* (2021) support the claim that the business plan has a beneficial influence on BP. Durguti *et al.* (2020) and Avdullahi and Hoti (2020) argue that the business plan is insignificant in the context of Kosovo. The proposed hypothesis is:

H5: The drafted business plan has an important positive consequence on BP.

Cravo and Piza (2019) examined the link between consulting services and several additional determinants in firm performance using 40 data from low and medium-income countries. The survey used the 'Meta-Analysis' technique to establish findings from a review of the empirical literature and determined an important connection between them. Similarly, Song, You, and Park (2022) explored the features of consulting and consultants' expertise within public entities. It examined how this impacts the quality of consulting outputs when employed by SMEs. The authors surveyed 578 qualified respondents and employed a variety of statistical approaches. According to this study, applying consulting experience, reliability, and propriety is very important for business. The hypothesis in our specific circumstance is:

H₅: Consulting services have an important positive consequence on BP.

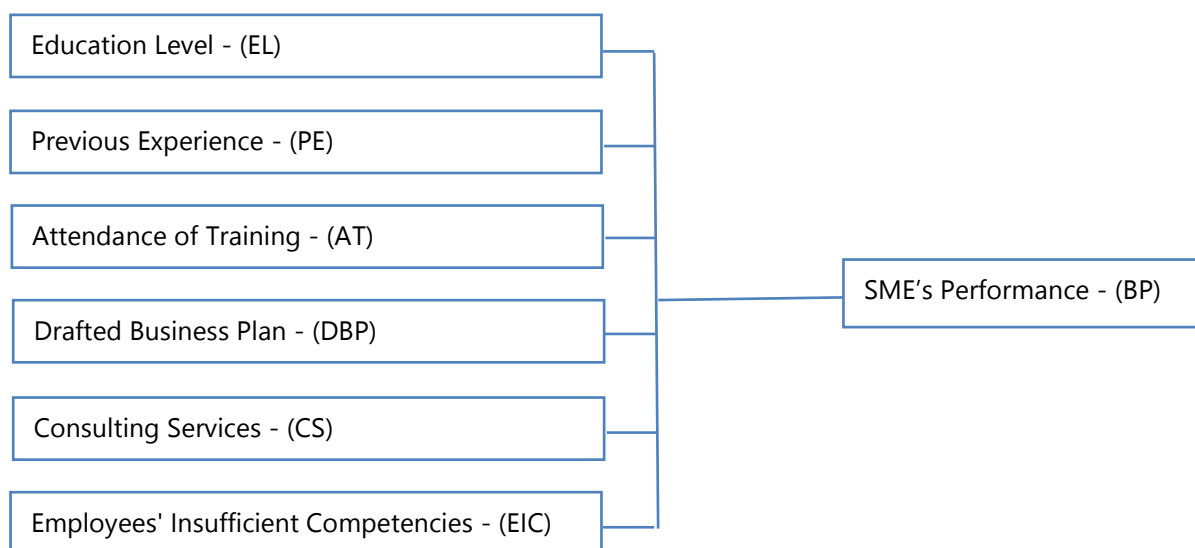
The last explanatory variable in this study's paradigm is employees' incompetency, which is directly connected to the quality of staff employed in organizations. There have been few studies on assessment based on managers'/owners' perceptions; hence this is regarded as an added value in this research. Zaim, Fatih, Unal, and Turkish (2013) looked into the impact of specific competencies on performance in the Turkish service industry. The survey included 2,679 inquiry forms, spanning around 89 percent of the service industry. The investigation employed exploratory factor analysis (EFA) to explore this interaction; the revealed findings provide evidence that there is a positive connection between specific competencies and firm performance, and if the employees do not have adequate competencies, it will have a hurtful reflection. As a result, our hypothesis is:

H₆: Employees' insufficient competencies have an important adverse consequence on BP.

METHODOLOGY AND DATA

The Conceptual Model

The research's overarching aim is to discover the effect of education level and constituent components, as well as the effect on SMEs performance. Meanwhile, the specific aims are to explore the impacts of determinants such as previous work experience, attendance in training (following professional training), drafted business plans, application of consulting services, and employees' insufficient competency in the predictor variables. The paradigm of the proposed model is reflected in Graph 1.



Graph 1: Conceptual Proposed Model (Source: Authors' compilations 2022)

Data and Sample

To discover the impact of education level, previous experience, training attendance, drafted business plan, consulting services, and employees' insufficient competence on SMEs performance, the study is constructed on the SMEs survey by Economic & Education Consulting in March-April 2022. This sample population was created to evaluate the multi-dimensional aspect of SMEs on the one side, as well as the obstacles that appear for the leadership and management that have clear consequences on the performance of SMEs on the other side. Using questionnaires as instruments for data collection is a common and quite effective method, especially for SMEs (Abanis 2013; Okafor 2012).

The overall sample research contained 539 enterprises, where all answers were accepted. However, after reasonable control and other examinations of the validity of the answers, 336 questionnaires were included in the research. The sample population reflects 1.38 percent of active enterprises in the country, which is considered a stable representative. The questionnaire was developed online using the apps, and the answers were submitted by the business's owners or general managers. The survey employed stratified/random probability sampling, which ensured that each section of a statistical population had an equal opportunity of being selected. The sample is stratified into seven regions of Kosovo, covering all business activities, and then separated into three primary categories to investigate trade, production, and services. Furthermore, the classification is done under the laws for classifying businesses in Kosovo, including micro, small, and medium businesses.

The questionnaire includes information on the owners'/general managers' perceptions of the issues that may influence their SMEs performance. Respondents were provided a list of potential barriers to performance, which were defined as external or internal concerns. All respondents in this study were asked to prioritize the barriers to SMEs performances on a Likert scale of 1 to 5, with 1 being the largest and 5 being the lowest. Premised on the above

considerations, we believe that the data are reliable for doing the research and that any concerns regarding the outcome that would be created are eliminated.

Data Limitations

The SMEs survey performed via questionnaires seems essential to face challenges, which may cause specific difficulties in the data and, as a result, may influence the empirical analysis. The population was selected carefully to minimize this issue by classifying and cross-referencing it with a list of active businesses. Thus, in the following, we will emphasize some possible concerns.

Firstly, a substantial portion of the studies to evaluate SMEs performance have employed the quantitative technique, which is discussed in the second section of this research. Secondly, the only dependent variable in our paradigm is the perception of SMEs owners/general management on measuring performance. Thirdly, due to perception biases, the qualitative validity of the research may influence the results of every empirical study. Therefore, some respondents may underestimate or exaggerate a specific topic or part of the questions and respond subjectively based on the current circumstances (Maksimovic *et al.* 2006). Finally, the absence of longitudinal dynamics is the methodology's main limitation. The MLR method analyzes the consequences of independent variables on their effect on SMEs performance.

Model and Variables

In this part, we constructed an econometric model (Multinomial Logistic Regression) to evaluate the individual and diverse influence of different obstacles on SMEs performance from the perspective of SMEs in the Kosovo economy. The model's derivation and development are based on the data employed; in our instance, the data are integrated and binary, and the predicted variable has three ranking characteristics (ranked 1, 2, 3). Whenever dealing with such data, the recommended model is primarily logistic regressions; if the predicted variable is binary, the most precise result and preferred models are ordinal logit or probit; if the predicted variable is not binary, the preferred model is MLR (Osborne 2015; Osborne 2017). When the dependent variable is not a serial number but has two or more categories, MLR regression is most often used (Osborne 2015; Adeleke and Adepoju 2010). In our model, SMEs performance is defined as the predictor variables, augmented with supplementary indicators assumed to be important in this research. As a result, the conventional model of measuring SMEs' performance resulted in the overall regression analysis exhibited below.

$$P_r(Y_{i,k}) = P_r(Y_i = k) | x_i; \beta_1, \beta_2, \beta_3, \dots, \beta_m) = \frac{\exp(\beta_{0,k} + x_i \beta'_k)}{\sum_{j=1}^m \exp(\beta_{0,j} + x_i \beta'_j)} \text{ with } k = 1, 2, \dots, m \dots\dots\dots(1)$$

With the adoption of our study parameters, the equation is:

$$\begin{aligned} BP_i(BP_{i,k}) &= BP_i(BP_i = k) | x_i \\ &= \beta_1 EL_i + \beta_2 PE_i + \beta_3 AT_i + \beta_4 DBP_i + \beta_5 CS_i + \beta_6 EIC_i + \vartheta_i + \varepsilon_i \dots \dots \dots (2) \end{aligned}$$

β_1 signifies SME's performance outlook, then θ , reflects the constant variance. The likelihood technique is naturally used to predict β parameters. We tested the hypotheses using the MLR model to see if the applied parameters (i.e., level of education, previous experience, attendance of training), drafted business plan, and employees' insufficient competence have any significant effect on the assessment of SMEs' performance.

The SMEs performance is specified as the predicted regressor in the concrete scenario. The SMEs performance is a measure of its degree of achievement and represents the effectiveness of the management structure. Generally, there are two lines to evaluate performance: quantitative and qualitative. From the aspect of dealing with the SMEs performance from a quantitative standpoint, it is estimated using productivity, financial ratios, the level of production, number of clients (Anggadwita and Mustafid 2014), market penetration, the dynamics of income creation, access to finance, costs and liquidity (Gupta and Batra 2016; Zimon 2018; Kunoviku-Demiri *et al.* 2021). Meanwhile, from a qualitative standpoint, several researchers have utilized the fulfillment of objectives and the perception of owners or general managers on the level of turnover, leadership style, employee behavior, and product innovation as metrics of SMEs performance (Anggadwita and Mustafid 2014; Expósito and Sanchis-Llopis 2019; Durguti *et al.* 2020; and Krasniqi *et al.* 2020). Based on the arguments stated, our study approach relates to the second group, namely the evaluation of SMEs performance from a qualitative perspective. Measurement and testing of the predicted variable to assess SMEs performance for 2022 are coded with 1 better performance than 2021, 2 same performances as 2021, and 3 worse performances than 2021.

Independent variables. The revision incorporated factors such as level of education, previous experience, training attendance, consulting services, drafted business plan, and employees' insufficient competency to evaluate the perception of owners/general directors on the SMEs performance.

A priori, 'education' as a parameter is predicted to have a strong influence on boosting management skills and hence SMEs performance. According to the data collected and subsequently analyzed, many businesses are managed by personnel with university education. Based on this premise, businesses with professional managerial structures are more likely to succeed than enterprises managed by managers with insufficient education. Consequently, this could be considered an advantage of these firms, which is also highlighted throughout the literature survey.

'Previous work experience' is included in the study to see if it affects the growth of SMEs performance. This metric is predicted to have a considerable influence in the academic sphere because the degree of compensation plays a significant role in recruitment.

Like a connective component of education, 'attendance of training' is also included, where the management must constantly be with the development trends in the interdisciplinary aspect. During the data analysis related to this parameter, it was discovered that confident respondents had mistaken this issue for the business personnel. As a result, expectations may be positive or negative.

'Drafting a business plan' *a priori* should have a positive effect since each business determines short-term and long-term objectives. During the empirical investigation, nearly half

of the respondents claimed they had created a business plan. Therefore evaluating the influence of this parameter would be interesting.

'Consulting services' are a unique feature in the research context since consulting has reached a peak of development in the global economy. As a result, the application of this service is expected to considerably influence the completeness of knowledge regarding leadership structures and SMEs performance in general.

'Employees' insufficient competence' was also applied to evaluate the management's perception regarding the competence of the personnel they employ. The expectations of this metric are considered challenging since management is never pleased with the performance of the staff. However, according to data, the labor market in Kosovo includes employees with university qualifications.

RESULTS AND DISCUSSIONS

Descriptive Analysis

The statistical data presented were processed and evaluated in four different stages. First, the study revealed the characteristics that were treated as well as their details. The research then proceeds to the general statistics observed from the applied sample, followed by the correlation analysis. Finally, the analysis was performed utilizing Multinomial Logistic Regression to explore the relationship and influence of the explanatory determinants on the dependent one. Table 1 displays the summary statistics for each parameter individually, including the predicted variable.

Table 1: Variable and Statistics Description (Source: Author's calculation 2022)

Variables	Description	Obs.	Mean	St. dv.	Min.	Max.
<i>Dependent Variable</i>						
BP	Business performance	336	1.76	0.178	1	3
<i>Independent Variables</i>						
EL	Education level	336	2.10	0.253	1	3
PE	Previous experience	336	1.25	0.435	1	2
AT	Attendance of training	336	1.27	0.447	1	2
DBP	Drafted business plan	336	1.34	0.473	1	3
CS	Consulting services	336	1.52	0.500	1	2
EIC	Employees' insufficient competence	336	2.46	1.2369	0	4

Based on the results in Table 1, SMEs performance (BP) has a mean value of 1.76, with a standard deviation of 0.178. Examining the perception of BP from 336 interviews, 53.5 percent of respondents reported that they predict a better performance than in 2021, whereas 17.3 percent stated that they do not expect any positive or negative change, and 29.2 percent stated that they expect a worse performance than in 2021. Education revealed a mean value of 2.10, with a standard deviation of 0.253. In contrast, previous experience yielded a mean value of 1.25, the lowest mean value compared to all variables tested, with a standard deviation of 0.435.

Attendance of training has a mean value of 1.27, nearly equal to previous experience, as can be seen by the standard deviation value of 0.447. The drafting of the business plan has a mean value of 1.34, indicating that nearly 50 percent of SMEs have drafted a business plan. An encouraging discovery is that most business managers use consulting services, as the mean value of this parameter is 1.52, and that the perception of employees' insufficient competence has resulted in a mean value of 2.46, the highest of all estimated parameters. Likewise, table 1 has detailed information on the smallest and highest values.

Correlation Analysis

The correlation matrix was employed to perform consistency and interconnection across the observed features in our specific scenario. For determining statistical importance, the significance level $\alpha=0.05$ was used. Based on empirical findings, the range of the constant up to 0.3 is presumed as a low interconnection, and the interval from 0.3 to 0.5 is presumed as an average interconnection. In contrast, a value above 0.5 is presumed as a robust interconnection across features (Pallant 2017).

Table 2: Correlation Analysis (Source: Author's calculation 2022)

	BP	EL	PE	AT	DBP	CS	EIC
BP	1.000						
EL	.160**	1.000					
PE	.021	-.008	1.000				
AT	.019	-.166**	-.020	1.000			
DBP	-.147**	-.264**	-.037	.326**	1.000		
CS	-.131*	-.030	-.196**	.282**	.368**	1.000	
EIC	.203**	.028	.092	-.059	-.059	.060	1.000

Note: (***), (**), (*) correlation is significant at 1, 5, and 10 percent.

Table 2 displays the interconnection background for all parameters tested. The correlation study revealed a substantial connection with a probability of 90 to 95 percent between specified pairs of features. The spotlight in this analysis will be on the connection between BP and explanatory covariates. Table 2 displays that BP has a modest positive connection at a confidence level of 95 percent with education and employees' insufficient competencies (based on the coefficient .160**, respectively .203**). However, there is a modest negative association relating BP and drafted business plans with a confidence interval of 95 percent and consulting services with a probability interval of 90 percent. The constants argue this fact -.147** and -.131*. Examining the link between other pairs reveals a pattern: there is an average linkage between attendance training and a drafted business plan with a constant of .326**, as well as a drafted business plan to consulting services with a constant of .368**. Even though other correlations are described for each variable in Table 2, this methodology is utilized to test for multicollinearity, which offers consistent evidence that the examined data do not have such a concern because no coefficient exceeds the value of 0.70.

Econometric Findings

The study employed Multinomial Logistic Regression to evaluate the perception of business managers/owners and the influence of education, previous experience, training attendance, drafted business plan, consulting services, and employees' insufficient competencies on the SMEs performance. The maximum likelihood estimates reflected by the Chi-square test provide consistent evidence that the model is well defined, as it is statistically important (see Table 3; $p=0.000$). Then before performing the MLR, the six explanatory variables were tested for multicollinearity with the Variation Inflation Factor (VIF). The research discovered that all constants had a value less than 10, with a mean value of 1.16. This result demonstrates that the data have no implications in this direction, further confirmed by the correlation analysis.

Table 3: Model fit & Goodness-of-Fit Information (Source: Authors' calculation 2022)

Model Fitting Information				
Model	-2 Log-Likelihood	Chi-square	df	Sig.
Intercept only	411.420			
Final	369.789	41.631	12	0.000

Pseudo-R-square, on the other hand, has a coefficient of .062, according to McFadden, is an estimator that evaluates the variance of the observed outcome, which is reliant on the predicted probability. According to Pituch and Stevens (2015), the higher this coefficient is, the variables in the conceptual model are better suited. Many investigations have been performed in this context, and it should be emphasized that there is no agreement on the proper form of interpretation. In our specific scenario, we will follow Menard's (2011) proposal to employ Pseudo-R-square according to McFadden. According to this recommendation, R_L^2 can be used for the dependent variable when we have more than two categories (i.e., specific cases of MLR).

Consequently, we will go through the outcomes of the -2 Log Likelihood of Reduced Model (see Table 4), which provides evidence that education, attendance of training, consulting services, and employees' insufficient competencies have turned out to be significant in the applied model. Whereas previous experience and drafted business plans have revealed insignificant outcomes. Relying on these analyses, the basic hypothesis is rejected since we have two parameters with effects that are not equivalent to zero, and thus the alternate hypothesis is accepted.

Table 4: Likelihood Ratio Tests (Source: Authors' calculation 2022)

Effect	Model fitting Criteria	Likelihood Ratio Tests		
	-2 Log Likelihood of Reduced Model	Chi-Square	df	Sig.
Intercept	375.601	5.812	2	.055
Education level	377.089	7.301	2	.026
Previous experience	370.903	1.114	2	.573
Attendance of training	375.311	5.523	2	.063

Drafted business plan	372.822	3.033	2	.219
Consulting services	375.903	6.114	2	.047
Employees' insufficient competence	389.628	19.839	2	.000

After ensuring that the model is specified correctly, we assessed the effects of explanatory variables on SMEs performance (ranked better than 2021, same as 2021, and worse than 2021), with the third rank representing the last definite reference. The early findings from the collected data regarding the perception of the business managers/owners have resulted in over 53.5 percent expecting a better performance compared to 2021. Table 5 shows the results of MLR for every variable included in the sample, including the threshold of significance and odds ratio - $\text{Exp}(\beta)$. According to the findings, two of the six (6) included variables had a significant positive effect, two had a significant negative effect, and two had an insignificant effect.

Table 5: Parameter Estimates (Source: Authors' calculation 2022)

Business Performance		β	SD	df	Sig	OR
Better BP than 2021	Intercept	2.141	.983	1	.029	
	Education level	.691	.263	1	.009	.501
	Previous experience	.191	.316	1	.546	1.210
	Attendance of training	-.727	.326	1	.026	.484
	Drafted business plan	.523	.337	1	.121	1.687
	Consulting services	.739	.303	1	.015	2.095
	Employees' insufficient competence	-.449	.110	1	.000	.638
Same BP as 2021	Intercept	.373	1.264	1	.768	
	Education level	-.337	.335	1	.314	.714
	Previous experience	.415	.393	1	.291	1.515
	Attendance of training	-.749	.427	1	.080	.473
	Drafted business plan	.632	.423	1	.135	1.881
	Consulting services	.442	.387	1	.253	1.556
	Employees' insufficient competence	-.470	.141	1	.001	.625
Other Information on Model						
Pseudo R-Square	Cox and Snell	.117				
	Nagelkerke	.135				
	McFadden	.062				
Multicollinearity	Mean VIF	1.16				
Observation		336				

a. The reference category is: Worse BP than 2021

Link function: Multinomial regression model. Significant at less than 1, 5, and 10% probability levels, respectively.

As expected, the 'education level' (EL) was found to be important at the 1 percent likelihood level to positively affect SMEs performance (BP), based on the respondents' perception that for 2022 they expect better performance than in 2021. This result confirms the hypothesis (H_1) presented in the literature section that there is a positive link between these two variables. The explanation of the odds ratio means that if other parameters are held constant, the odds ratio is in favor of the possibility that each unit increase in the education level affects the increase of .501 units per year of BP. The study's discoveries continue the research performed by Eugene (2014), arguing that the education level offers SMEs managers the ability to create critical thinking skills and be further competitive in the market. In addition, Magoutas *et al.* (2011) reached a similar conclusion arguing a positive link between the education level and BP, analyzing the panel with 287 firms in the context of Greece. The 'previous experience' variable is predicted to have a substantial positive effect in our context; nonetheless, the data reported in Table 5 indicate the opposite and that the hypothesis (H_2) is not validated since it is insignificant. The above argument relies on the coefficient of 1.210 and the p - value ($p = .546$). This result contradicts the findings of Frese and Gielnik (2014) and Krasniqi *et al.* (2020), who claim that firms with experienced management outperform inexperienced management.

As a complementary part offered across informal education in the research background, the explanatory variable AT has proven to be significant with a 5 percent probability with a negative sign via SMEs performance. The discoveries for this metric confirm the hypothesis (H_3) that non-attendance of continuous training by managers/owners has a consequence on reducing the performance of managerial skills, respectively, in a business. This indicates that if all other factors in the study background remain constant, an increase in this metric per unit reduces SMEs performance by .484 per year based on the coefficient of the odds ratio - (OR). Compared with previous studies, the outcomes of our research are the contrary. Kanapathipillai and Azam (2020) examined the association between training, personnel evaluation performance, and work motivation in the firm's performance. Their findings argue that training has a significant positive consequence on the company's performance. Truitt (2011), on the other side, examined a sample of 237 personnel at an academic institution in three distinct states in the United States and claimed that there is a direct positive correlation between training and management skills. Additionally, managers/owners with neglectful mindsets and insufficient training had a negative impact.

The encouraging result in our scenario has resulted in consulting services (CS) with a substantial positive effect and a probability of 1 percent, indicating that the appliance of CS by managers/owners promotes SMEs performance. This premise is based on a coefficient of 2.095 and $p = 0.015$, which signifies that any increase in the usage of consultancy is effectively reflected helpfully in the improvement of the company's performance. The observed shreds confirm (H_5) that CS promotes BP. The study's outcomes are entirely consistent with the authors Cravo and Piza (2019), who stated that organization support services boost firm performance predicated on 40 comprehensive evaluations from lower and middle-income economies. Similarly, Park and Seo (2020) employed 131 questionnaires to explore the causal link between consulting service characteristics and an organization's performance. The outcomes of the revision demonstrated that expertise and consulting services have an important effect on managing performance via inclusion and innovative ability.

Finally, as predicted, employees' insufficient competencies have a significant adverse impact on SMEs performance with a probability of 1 percent, confirming the hypothesis (H_6) that employees' insufficient capabilities have an adverse impact. This predictor resulted in a significant effect in both ranks, with a probability of 1 percent, in better BP than 2021 and the same BP as 2021. Based on the coefficient - (OR = .638) with $p = 0.000$, the outcome of this variable specifies that if firms do not have employees with the capability to reflect on SMEs performance, it will have an adverse effect. The results of this analysis are entirely in harmony with earlier research that claims a steady association exists between these two components. Diamantidis and Chatzoglou (2019) explored this issue regarding employees inside the organization (training culture, management support, job-related characteristics, etc.) and their influence on SMEs performance. Thus according to their results, there is a consistent association between these components and SMEs performance.

CONCLUSION

The study's objective is to explore the effects and properties of the variables with education character and its components and the effects of previous experience in present businesses. The study reveals that education, training, consulting services, and employees' inadequate competencies appear to substantially impact company performance in the context of Kosovo's economy during the observed time. Therefore, we explored the effects of awareness from the context of education via hypotheses (H_1 , H_3 , and H_5) and oriented to experience, drafted business plans, and employees' insufficient competencies via hypotheses (H_2 , H_4 , and H_6). Empirical data confirm the relevance of the factors in the analysis and provide indicators of their impact on SMEs effectiveness.

The results validate numerous of our theoretical assumptions and imply that management/owners of businesses that education, training, and consulting services are more complicated than first-sight outlooks. Regarding the level of education, the findings fully support the hypothesis's confirmation, and we may conclude that education should be prioritized. Nevertheless, education alone seems insufficient to convert into business success even without other components such as attending training and using advisory services. These apostrophized reasons should be examined beyond this methodology, incorporating additional elements such as proactive management over employees through motivation benefits, personnel training, and other appropriate forms from the perspective of strategic human resource management. Additionally, failure to follow training based on empirical evidence has a critical effect on SMEs performance, validated during data processing and analysis, since company managers'/owners' perceptions have not been given proper importance due to their cost. Companies will confront an even more significant shortage of qualified employees if this trend continues.

The current Kosovo market offers a wide-ranging and high-quality spectrum of consulting and professional training services, and businesses are recommended to take advantage of these opportunities. The unexpected result revealed the previous experience and the business plan since they were insignificant. However, the study provides a modest academic and empirical contribution based on long-term considerations about the components that affect

company performance. This revision has implications for some categories of SMEs who want to improve their performance. SMEs that have neglected the apostrophized issues above should constantly try to reduce the gap between the expertise they possess and those required for the nature of the business they practice. Although the investigation possesses limitations, which are mentioned in the third section of the research, it is worth mentioning that it was done in the context of Kosovo, the sample size was restricted, and those conclusions may be taken from other countries with similar features. The forthcoming study can employ the combined qualitative and quantitative methodologies to determine whether they can reach any more valuable insights.

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THE IMPACT OF ISIS ON IRAQ'S NATIONAL SECURITY: REVIEW OF THE PERIOD FROM 2014 TO 2017

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Abstract: *In the post-Ba'athist era, stability and national security remain the two key goals. Iraq has suffered from many extremist terrorist groups on several separate stages from 2003 to 2017. The most threatening terrorist group was ISIS (the Islamic State of Iraq and the Levant), which has enormous impacts on Iraqi society, given the vast geographical areas that it controlled, and the dangers, crimes and violations suffered by the Iraqi people with all its components. The main aim of this study is to determine the impacts of ISIS on Iraqi national security. The study relied on Content Analysis Method to analyze the collected data and achieve its aims. Also, the primary research question is about the impact of ISIS on Iraq's national security from 2014 to 2017. Correspondingly, an international coalition of more than a hundred countries was formed to stop the rapid expansion of ISIS. The number of victims who lost their lives and were affected at the psychological and humanitarian levels was explained in this study. According to the research results, ISIS was seeking long-term goals. The most important was the preparation for disseminating this new extremist ideology. The intelligence and the exploitation of poverty, ignorance, and political conflicts that ISIS used aimed to implant the extremist mentality in the most significant number of attention.*

Keywords: *Iraq; ISIS-ISIL; National Security; Terrorism; International Coalition*

INTRODUCTION

Terrorist organizations continued to attack Iraq from 2003 until 2017, in a big way, as many forms of terrorism and its sects appeared in this country due to its confused political situation (Stern and McBride 2013). Some of them were of a Sunni Islamic background, such as the famous al-Qaeda organization led by Abu Musab al-Zarqawi, which carried out many terrorist operations and was characterized by its suicide operations with car bombs and explosive devices. The activities of this organization target all other components except for the Sunni component and the Islamic State of Iraq and the Levant (ISIS), which was targeting the same groups that were targeted by al-Qaeda (Middle East Monitor 2015) but intends to establish an Islamic caliphate according to their vision that they clarified through the statements of their leader Abu Bakr al-Baghdadi (Counter Extremist Project 2022) and there is another type of terrorism, which is the regional-backed forces such as the Iraqi Hezbollah, Asa'ib al-Haq and

other militias that it committed the most heinous crimes against the Sunnis and tried to insult the Kurds in northern Iraq. Iraqi people paid many innocent lives between 2003 and 2017 without guilt, and the only reason for these losses is the conflict between political parties among themselves. Political parties adopted the proxy war principle with each other by supporting these extremist organizations in support of one another (Byman 2007).

ISIS (Islamic State of Iraq and Syria), also known as ISIL (Islamic State of Iraq and the Levant), is a Sunni Jihadist Organization that claims religious authority over all Muslims and declares itself a caliphate. Al-Qaeda inspired it; however, it was formally dismissed from the organization. The Islamic State is not the same as Al-Qaeda. It has administrative control of civil society (some 10 million people), control of territory in both Syria and Iraq, unrivaled financial independence, sophisticated control of military expertise, and control of much of the infrastructure and lines of communication in the area, thanks to its 30,000 fighters. With this in mind, it may be claimed that the Islamic State (IS) is a terrorist organization leading a fictitious state if it is anything (Martin 2021).

In Iraq, there have been two significant peak periods of terrorism: the first began in 2007 and ended with the US troop surge; the second began in 2011 and has been dominated by ISIL's ascent. The group's expansion took advantage of rising sectarian tensions between Shi'a and Sunnis, an ineffective Iraqi military, and the onset of the Syrian civil war. ISIL committed substantial acts of terrorism in Iraq in 2014, capturing and consolidating territory. By 2015, the organization had taken control of significant swaths of land and was concentrating on establishing its self-proclaimed caliphate. ISIL, on the other hand, increased its attacks significantly in 2016. Three-quarters of all terrorist incidents in Iraq that year were caused by this surge. ISIL carried out nearly 1,000 strikes. This represents a 22 percent increase over 2015, with 7,351 deaths. ISIL is Iraq's deadliest terrorist organization, killing over 18,000 people between 2013 and 2016. In 2016, forty percent of these deaths happened (Global Terrorism Index 2017).

The Islamic State of Iraq and Syria (ISIS), which surged swiftly during the Syrian Civil War, took Fallujah in Anbar Province in January 2014. This operation was regarded as ISIS's first major victory in Iraq. Iraq is in the Middle East, and its neighbors include Iran, Turkey, Syria, Jordan, Saudi Arabia, and Kuwait. Iraq is divided into 18 provinces, with Baghdad as the capital and Mosul as the second most populous city. Northern Iraq has suffered a significant humanitarian crisis due to the Iraqi Civil War (2014-2017), with more than 60,000 deaths and more than three million internally displaced people (Spencer 2018). By June 2014, ISIS had taken control of several northern Iraqi cities and villages, including Mosul and Tikrit. ISIS announced the formation of a new caliphate, the Islamic State (IS), on 29 June 2014, with Abu Bakr al-Baghdadi as its caliph. While in control, ISIS was responsible for many massacres (such as the Sinjar massacre) (Spencer 2018).

However, by the end of 2013, the country's security situation had deteriorated. With 7,818 slain, the total number of civilian and police casualties has risen to its highest since 2008 (compared to 6,787 in 2008). May 2013 was the most violent month, with 3,154 civilian casualties, including 963 dead and 2,191 injured. Salah al-Din, Diyala, Ninewa, and Anbar were the governorates with the most damage. After Iraqi government forces stormed a protest camp suspected of hiding Sunni insurgents on 30 December 2013, violence erupted in Ramadi, the capital of Anbar Governorate. This incident sparked Anbar's crisis, culminating in retaliation and

fighting. Like the 2006 Samarra bombing, this incident is primarily the catalyst for the 2014-2017 crises (IOM 2018).

ISIS took Mosul, Iraq's second-largest city, in June 2014, when the Iraqi Security Forces abandoned their posts and refused to fight. The loss of Tikrit and other northern Iraqi cities followed as ISIS solidified its grip on northern and western Iraq. ISIS, now known as the Islamic State, acquired roughly 1,500 High Mobility Multipurpose Wheeled Vehicles (HMMWVs) from the US and other weapons and artillery. The Islamic State replaced its losses rapidly by releasing captives from the Government of Iraq with just about 10,000 fighters (Prothero 2014).

The United States invaded Iraq in 2003 in response to a threat that did not exist and with no preparation for what would happen once Saddam Hussein was deposed. It engaged in a chaotic and continuously changing exercise in nation-building, as it did in Afghanistan. It abruptly left Iraq in 2011 and appears to be repeating the same in 2021. It has fought two major wars in Iraq, first against Sunni insurgents and later against ISIS, without establishing a fully functional Iraqi government or a viable growth pattern. Rather than counter-terrorism, the US campaign against the Taliban in Afghanistan has been guerrilla and irregular warfare. Iraq's first war since 2003 was against internal and sectarian, and the country's second war was against a terrorist organization like ISIS (Cordesman 2021).

METHODS AND DATA COLLECTION

A qualitative methodology is applied in this study. The article uses a thematic design and the deductive technique to promote consistency and reliability. Primary sources from scholarly publications, papers, and news organizations are given priority. To provide socio-historical background for ISIS's actions and their effect on Iraqi national security, some secondary source materials created by research papers and trustworthy international data sources were employed for analysis. This study relies on the content analysis method for analyzing the gathered by depending on an online exploratory search from 01 December 2021 to 20 February 2022 on terrorist groups, the number of impacted residents, the number of attacks, and the sorts of attacks. In addition, the Global Terrorism Index data was used. The data was coded, tabularized, and presented descriptively. The descriptive statistical data analysis was performed using frequency, percentage, and maps to determine the study's results.

TERRORISM AND IRAQI NATIONAL SECURITY

Iraqi national security faced several challenges due to terrorism, the most important of which was in the period after the fall of Saddam Hussein's regime or the so-called Ba'ath regime, and the period of the emergence of ISIS or the so-called Islamic State and its activities began in Iraq, as the fall of Saddam Hussein's regime in 2003 opened the way for many terrorist organizations appeared and practiced violence against Iraqis and non-Iraqis from the United States forces that were still present in Iraqi lands at the time to ensure the progress of the transitional phase and the formation of the new government. The most prominent of these organizations was al-Qaeda, which carried out many operations against Shiites and US forces. Then Iranian-backed Shiite militias appeared and had their share of terrorist practices as well,

leading to the most significant danger, which is ISIS (the Islamic State of Iraq and the Levant), which is considered the biggest terrorist threat to Iraqi national security to this day, as the year 2014 is an important turning date for Iraqi national security. , where the Iraqi government lost control of the second largest Iraqi city, which is the city of Mosul, known for its vast population after the capital Baghdad, and then the organization continued its operations To succeed in controlling many other cities in the north and west of Iraq, to control more than 40% of the Iraqi land area, which is considered the most substantial threat was facing the Iraqi national security, as any country loses control of this massive amount of its lands. Hence, its national security is inevitably in grave danger (Leaver and Shamoo 2006).

THE IMPACTS OF ISIS ATTACKS ON IRAQI'S NATIONAL SECURITY

The ability of a state to provide for the protection and defense of its citizens has been defined as national security (Williams 2008). The apparent rivalry between national security and human rights criteria was debated in the 1970s. By the 1990s, there appeared to be a widespread international agreement, as evidenced by the increase in multilateral humanitarian operations, that human rights compliance was one of the most critical safeguards for enhanced national and international security. The Sawyer Seminar debunked the assumption that national security and a robust human rights posture are mutually exclusive, concluding they are mutually helpful. Indeed, the assessments provided during the conference consistently underlined that a solid commitment to human rights at home and abroad were more likely to ensure national security than a weak commitment.

11 September reawakened a strongly ideological image of national security and a belief among some that human rights could be sacrificed in the name of national security. Indeed, it has created a political environment where human rights and security are increasingly considered as competing objectives rather than complementing each other (Sanger 2002). Concerns about human rights were a secondary reason for the invasion of Iraq. It was supported by the Bush administration principally on national security and proper implementation of Security Council decisions (Sanger 2002).

Terrorism is a systematic danger to economic progress (Mahmud 2020). It has reached an all-time high in Iraq. Terrorist attacks have hampered Iraq's progress in recent years. Due to terrorism attacks, Iraq's economic position will be destroyed, particularly in education, health, and *per capita* income, which are the most significant axes of human growth (Mahmud 2020). Between 2003 and 2018, Iraq was the country most affected by terrorism. As a result of the US invasion of Iraq, followed by waves of high-intensity hostilities, Iraq was the country most hit by terrorism for 14 of the 15 years from 2003 to 2018. Following the defeat of ISIL in 2014, terrorism in Iraq has decreased. On the other hand, Iraq remains one of the world's most terrorist-infested countries (Bardwell and Iqbal 2020).

THE IMPACTS ON THE NATIONAL ECONOMY

Iraq's current state of affairs is the outcome of three major strategic blunders. First, the US, notably its military, made mistakes in determining the nature of the conflict at the outset and then neglected to reassess the situation as events unfolded. Second, the government failed to balance goals, methods, and resources. Third, the government chose the incorrect course of action. Rather than implementing a plan that addressed the intricacies of a multifaceted conflict that included aspects of civil war, insurgency, and terrorism, decision-makers opted for a counterinsurgency strategy. Decision-makers have failed to understand the facts of the situation and adapt and anticipate them (Reider 2007).

Persistent sectarian tensions in Iraq between Sunni and Shiite factions, as well as tensions between Kurdish parties in the north and the government in Baghdad, aggravated the war to drive out the Islamic State following the US invasion in 2003 and the fall of Saddam Hussein. These tensions are now threatening the stability of the new Iraqi government, which is working to reconstruct the country and prevent the Islamic State from regaining power. Iraq confronts tremendous obstacles in its recovery from the Islamic State's fight. Following the nearly four-year war, more than two million people remain internally displaced, with nearly nine million needing humanitarian aid, and rehabilitation is expected to cost at least \$88 billion (Reider 2007).

Apart from reintegrating liberated Sunni communities into the political system, the new government must also deal with the demobilization and integration of powerful Shiite militias formed during the fight against the Islamic State into Iraqi security forces, as well as ongoing tensions with Kurdish groups seeking greater autonomy in the north following a failed independence referendum in October 2017. The Iraqi Security Troops (ISF), militant organizations, and Kurdish forces (also known as 'Peshmerga') fought ISIS from 2015 to 2016, retaking cities such as Tikrit. The ISF launched an attack in Mosul in October 2016, dubbed 'We Are Coming, Nineveh', with the help of ally militias and an international alliance. After protracted and bloody battles in Mosul, the Iraqi government declared victory over ISIS in July 2017, signaling the group's near-total demise in Iraq.

The Islamic State of Iraq and the Levant (ISIL) began a violent assault on Sinjar on 03 August 2014 (Okoth-Obbo 2020). ISIL took control of Sinjar City and its environs and carried out horrific atrocities against the civilian population, including mass murder, forced religious conversions, abductions, and forced slavery of thousands of people, especially women and girls. Thousands of people evacuated the area and were relocated across Iraq, with some emigrating. The United Nations Human Rights Council has declared that ISIL perpetrated genocide against the Yazidis and committed war crimes and crimes against humanity in Sinjar and other parts of Iraq during its reign of terror. Up to 200,000 Yazidis are still displaced after six years (Okoth-Obbo 2020). Some are still living in deplorable conditions on Mount Sinjar, where they fled to flee, while the bulk is housed in IDP camps in Iraq's Kurdistan Region (Okoth-Obbo 2020). Since the ISIL fight was officially declared over in 2017, the return to Sinjar has been delayed, owing to the extent of destruction done in 2014. ISIL destroyed up to 80% of public infrastructure and 70% of civilian residences in Sinjar City and neighboring areas, and many important religious sites, in addition to the human tragedy (Okoth-Obbo 2020).

The killing occurred three months after the Islamic State took Mosul in northern Iraq and declared it the capital of their self-proclaimed caliphate in 2014. ISIS fighters encircled Kojo, a small rural town near Sinjar Mountain. Some of the fighters came from adjacent Arab Muslim villages with whom the Yazidis had long been friends. It took nearly three years for US-backed Iraqi forces to push ISIS out of Iraq and another two years for US-led forces and Syrian Kurds to retake the final ISIS area in Syria (Arraf and Prickett 2021).

The cost of deaths, injuries, property damage, and GDP losses related to terrorism make up the economic impact of terrorism. If a country's GDP losses from terrorism surpass 1000 deaths per year, the country's GDP losses are estimated. The economic cost of terrorist kills accounts for most of the total cost of terrorism borne by countries, owing to the high economic value put on human lives. The economic impact of terrorism in Iraq in 2014 was equal to 27% of the country's GDP. In 2018, Iraq had the second-highest economic cost of terrorism as a proportion of GDP, accounting for 4% of GDP (Bardwell and Iqbal 2021).

Since 1980, Iraq has faced war or war-related difficulties, affecting the country's economy. The previous battles have severely hampered Iraq's economic progress and created sectarian and ethnic divisions, dividing the country along sectarian and ethnic lines and creating large areas where the impact of violence has created their economies and divisions. Many aspects of Iraq's current economic problems are challenging to quantify. Still, it is clear that the war is exacerbating them, that they are playing a significant role in dividing the country, and that defeating ISIS will not end the divisions and pattern of violence in Iraq without far more government action and reform than has been planned thus far (Cordesman and Sakayan 2015).

THE SOCIAL CONSEQUENCES

Due to the highly politicized nature of the battle and the Iraqi government's incapacity to give cash compensation to impacted households, the problem of paying people who have lost their homes is highly complicated. Property restitution will also be difficult, considering that property frauds are likely to have occurred on a big scale. Iraq has had a tumultuous recent past. The previous regime's authoritarian and discriminatory policies, Iraq's wars with neighboring countries and the resulting international sanctions, sectarian and ethnic conflict in the post-2003 period, and, most recently, ISIL's occupation have all significantly impacted the lives of many people in Mosul and Iraq. ISIL's two years in power have resulted in an intellectual and economic standstill and educational, physical, and psychological issues.

In Mosul, ISIS leader Abu Bakr al-Baghdadi declared the establishment of an Islamic State and declared himself caliph. Rape, kidnappings, executions, mass murder, pillaging, extortion, seizure of public resources, and smuggling were all part of the terror campaign. The rise of ISIS exacerbated Iraqi society's divisions. The Shia world's top 'religious reference', Grand Ayatollah Ali al-Sistani, issued a fatwa calling on Iraqis to take up guns in response to the Sunni jihadist activity. Hundreds of thousands of men, predominantly Shia, have enlisted in new and old militias, many of which are backed by Iran. The Popular Mobilization Forces combined more than 60 armed factions under one roof (PMF). The advent of ISIS prompted the second round of foreign intervention. Iran was the first to provide military aid because Sunni jihadists had approached within 25 miles of its border (Hamasaheed and Nada 2020).

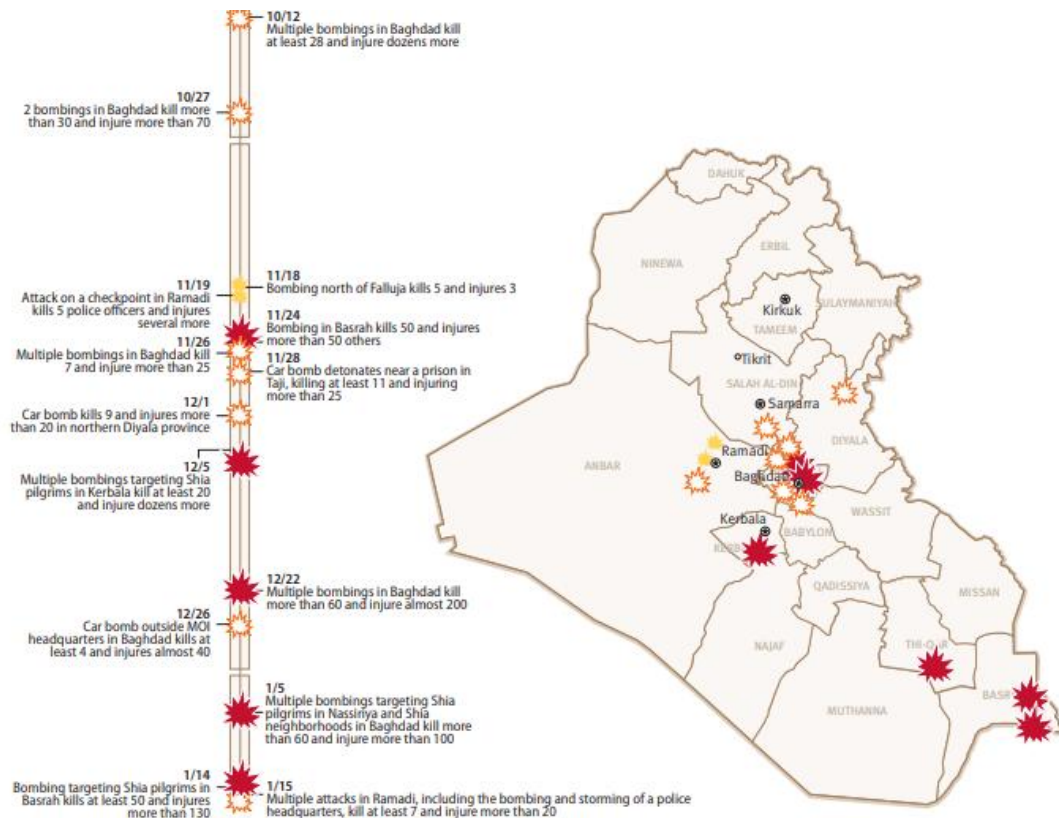


Figure 1: Information about Some of the Significant Terrorist Incidents That Occurred in Iraq
(Source: SIGIR analysis of open-source 12.10.2011 to 15.01.2012)

Iraq is a war-torn country with significant security and justice issues, including many internally displaced people and fears that destroyed ISIL cells are hiding in rural areas. While Iraq's youth protest for a brighter future with less corruption, better administration, and lower unemployment, security forces are accused of utilizing armed violence against civilians. With ISIL defeated, Iraq can now focus on peace, recovery, security, and justice sector reform to effectively tackle the country's difficulties. Security sector reform and governance are critical for the country's long-term stability and peace. Although the SSR process in Iraq was officially launched in 2015, there are still significant obstacles in the security and justice sectors (International Security Sector Advisory Team (ISSAT) 2020b).

Iraqi society is today confronted with many issues and rapid changes in many areas of life. This is a problem that most Arab countries, like the rest of the globe, face. The legacy of the former regime, the rapid transition from dictatorship to democracy, and changes in the strategic environment are all characterized by violent political conflict, corruption, the outbreak of sectarian violence, terrorism, and crime, and all serve to weaken the social structure, which accelerates insecurity and instability (Dechow 2017). Terrorism, extremism, and intellectual deviation are challenges arising from the Islamic community's abandonment of the ideals of tolerance and moderation, which are among the most severe issues confronting the international community. Because terrorism threatens Iraq's national security, it is vital to allocate resources to research and study to find effective remedies (Sa'aed 2018).

THE CULTURAL CASUALTIES

The first three Iraqi sites on the UNESCO World Historical List (Ashur, Hatra, Samarra, and Erbil Citadel) are classified as World Heritage in Danger by UNESCO, indicating their integrity as sites of significant cultural heritage significance is in jeopardy. At least two globally significant sites (the Assyrian capital towns of Nimrud and Nineveh) have been subjected to substantial episodes of devastation by ISIS during their occupancy of the Mosul region, out of the 11 Iraqi sites on the UNESCO World Heritage Tentative List. The Islamic State has destroyed numerous notable physical relics since its inception in 2014, including the grave of the biblical prophet Jonah in Mosul and ancient ruins in the former Assyrian capital of Nimrud. The group considers its acts consistent with the Salafist-Jihadist interpretation, which calls for eliminating polytheistic societal influences. These dramatic attacks catch the world's attention, maintain its appearance of invincibility, and provide funding for its actions through underground antique markets. UNESCO considers the deliberate destruction of cultural heritage a war crime, but ISIS has been known to do just that. As a result of the group's idolatry of representational art, art pieces in museums, mosques, and churches have been targeted with hammers, axes, bulldozers, and bombs. The organization also continues to desecrate and loot archaeological sites, selling the artifacts on the black market to fund their activities - even though researchers have been unable to quantify how much money these transactions generate (Buffenstein 2017).

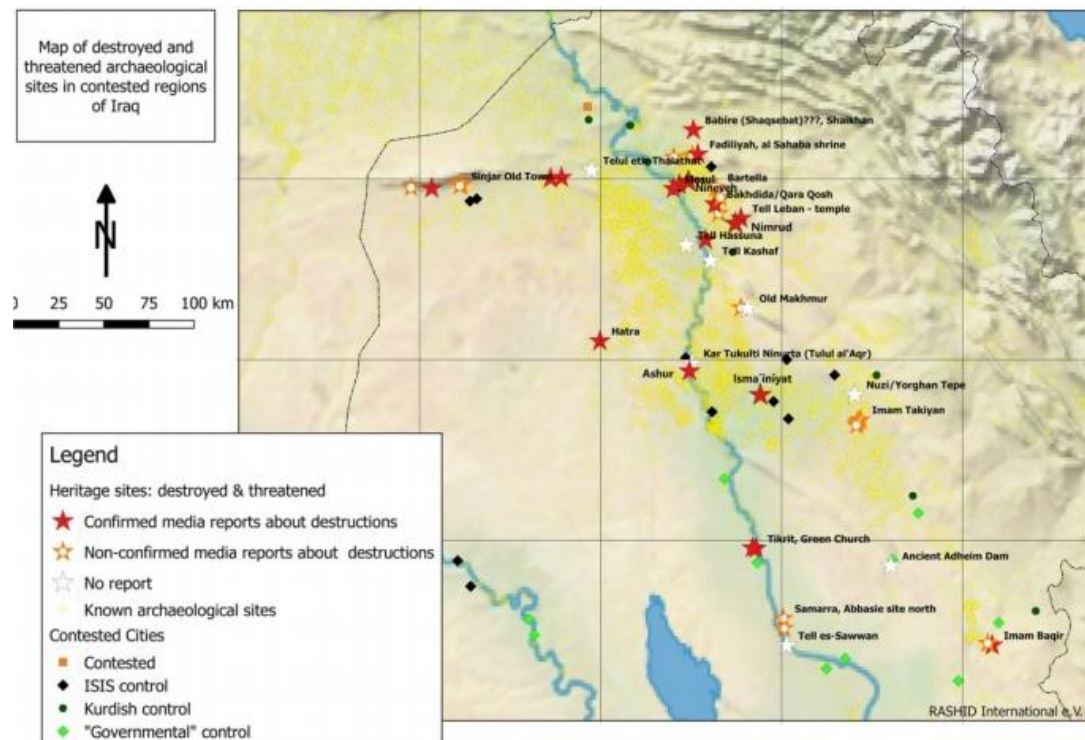


Figure 2: Map of Destroyed Sites of Iraq in 2016 (Map and legend: RASHID International e.V)

THE IMPACT ON NATIONAL UNITY

The Iraqi government is facing significant security challenges. The first is about state-imposed weapons limits, which the prime minister stated clearly in his government program. The second issue is to combat ISIS's revival. The most visible problem facing the new government, directly linked to security, political, and even economic rewards, is the control of competing armed organizations in the country. The primary goal is to keep track of non-governmental actors, mainly armed factions and groups, who have gathered a considerable military force and a political and security function that allows them to move, act, and influence freely. Because al-Kadhimi comes from a powerful security organization, there are local and international expectations that the fight against ISIS will make significant progress (Thgeel 2020).

According to the Iraqi National Security Strategy (NSS), the main problem is to defend the people from terrorism rather than the nation-state from foreign attack. The Iraqi Security Sector could not protect Mosul residents from the relatively fewer foreign ISIS radicals in June 2014. This failure showed the costs of hiring government employees based on ideological commitment rather than professional merit, as well as the ramifications of corruption and mismanagement that went unchecked. Furthermore, it showed the Iraqi Security Sector's lack of public trust, respect, and confidence. The challenge is not to destroy ISIS as an occupation force in Iraq and Syria but to create a long-term security and safety environment in which the Iraqi Sunni populace is no longer exposed to extremists' siren call of violent rejection of the Iraqi Nation State (Abbas and Trombly 2014). In August 2014, the United States initiated airstrikes against the Islamic State in Iraq and Syria to avoid the collapse of Irbil, and President Barack Obama organized a multinational coalition to combat the Islamic State. The United States is now playing a more prominent role in Iraq, and CTS is a big part of it. CTS has maintained a close relationship with the United States, particularly the USSF (United States Army Special Forces). CTS is the starting point for stronger US cooperation in the battle against the Islamic State since it provides the US with dependable eyes and interlocutors in any operation. CTS has a tumultuous history, but it is the most capable military partner the US has within the Government of Iraq.

Counter-terrorism is an integral part of counterinsurgency, but because no single institution was responsible for coordinating it, numerous units, such as the Ministry of Interior's (Ministry of Interior) Emergency Response Brigade and MoD (Iraqi Ministry of Defense) units, undertook it in addition to CTS (Counter Terrorism Service). There was no military unity of command to direct counter-terrorism efforts. The Iraqi National Counter Terrorism Strategy formally assigned CTS to coordinate and lead all counter-terrorism actions, but resource competition, power consolidation, and anti-coup concerns outweighed CTS's responsibility. Lack of cooperation and coordination, failure to share intelligence, and attempted monopolies of one ministry over another contributed to Iraq's 2014 security disaster (Bowen Jr. 2007).

The Combined Joint Task Force-Operation Inherent Resolve (CJTF-OIR) in Iraq is currently assisting Iraq in defeating the Islamic State of Iraq and the Levant (ISIS), a pressing security concern. On humanitarian, stability, and economic matters, the international community (IC) is enabling. Looking ahead five years, the primary issue is how the international community can help Iraq break its historically cyclical pattern of internal conflict-post-conflict disorder-

suppression-conflict, which is insufficient to secure strategic interests. This significant issue is compatible with Gray's Maxim 3, which declared that conflict must be engaged to mold the following peace, yet building peace is more challenging than making war (Gray 2007).

In Iraq, USSF was tasked with forming an Iraqi counter-terrorism force modeled after the US Special Operations Forces. Several other Ministry of Interior (MoI) and Ministry of Defense (MoD) units were part of anti-terrorist operations. The main problem was that no single body with actual counter-terrorism duty and several entities had overlapping power. On the other hand, the military instrument was the least important of all the counter-terrorism measures because it couldn't address the underlying socioeconomic conditions that led to terrorism. Iraq needed national reconciliation, the abolition of Sunni disenfranchisement, and the alleviation of Shi'a anxieties of being persecuted by Sunnis as they had been under Saddam. The United States may have acted as a facilitator in this process. Still, without genuine Iraqi political and societal commitment, no US assistance would solve the country's terrorism problem.

International support in Iraq is focused on refugees, internally displaced persons (IDPs), violent extremism, regional instability, border control, local administration, and the reintegration of non-state armed groups. Several donors want to offer more funding over the next few years to aid in the relief of the refugee crisis, reconstruction, and the repatriation of Iraqi IDPs to their homes. While demining and border control remain top priorities in Iraq, donors risk losing sight of the necessity of maintaining efforts to achieve a mine-free Iraq ready to resume business, growth, and reform as the country emerges from the humanitarian catastrophe. Historically, state security forces have been underequipped and undertrained. Young men volunteer to join the police and defense forces due to high unemployment rates. The police have been suspected of arbitrary arrests and extrajudicial deaths. Several armed gangs have lately attacked police officers and police stations. Oversight of the army and the police has been difficult due to a lack of experience and resources in Parliament (International Security Sector Advisory Team (ISSAT) 2020a).

Terrorists see Iraq as a key battleground in their fight against humanity. We must also acknowledge Iraq as a critical battlefield in the war against terror. Is ceding ground to terrorists (in one of the world's most vital locations) going to pose a long-term threat to the global economy and America's security, growth, and prosperity? A nascent democracy in Iraq will alter the regional status quo, which has bred estrangement for decades and given rise to the transnational terrorism that now threatens us. In Iraq, the opponent is a mix of rejectionists, Saddamists, and Al Qaida-affiliated or inspired terrorists. These three organizations have a similar antagonism to the elected Iraqi government and the presence of Coalition forces, but their goals are otherwise distinct and, to some extent, contradictory (Hubner 2006).

After years of fighting ISIS, the Iraqi military has more experience and effectiveness. ISIS has also failed to recreate the incubator that helped it prepare its ranks before the events of 2014, and it has discovered that these places are better prepared to oppose it. ISIS isn't as strong as before 2014, when it struggled to gain traction in the early phases of its eventual comeback from defeat. The Global Coalition Against Daesh (GCDD) has stated that it will continue to fight ISIS in Iraq and Syria and provide the conditions for the terrorist group to defeat (Thgeel 2020).

Since the group's last bastion was lost in 2017, security experts have warned about the threat of a rebirth. This risk can be reduced by addressing reconciliation and grievances with and within Iraq's Sunni community, which is currently not happening. The opposite is true, as a public revenge movement has been followed by a government strategy of more profound neglect (Taub 2018).

Negotiating a ceasefire between the various factions and agreeing on the terms of compliance will be one of the first stages in altering strategy. The diplomatic focus should shift away from government capacity building and toward brokering a truce and ending the violence while allowing Shia, Sunni, and Kurd factions to negotiate their political solutions. National power's economic instrument can be a potent motivator and should be used as such. Microloans, debt forgiveness, direct loans, and other economic programs might operate as a carrot to motivate the factions to negotiate a truce and maintain compliance. Baghdad must be prioritized in terms of security. A zone of separation (ZOS) between factions in and around the city should be established and controlled by military personnel. These methods are the most effective means of establishing and maintaining peace and stability as political processes work toward long-term solutions (Reider 2007).

ATTACKS, DEATH TOLL, AND INJURIES BY ISLAMIC STATE (2014-2017)

Table 1: The US Troops, the UK Troops, and Non-Military Fatalities in Iraq, 2014-2017

(Source: Gollub and O'Hanlon 2020)

Year	US Troops	UK Troops	Journalists/Media Workers	Humanitarian/ NGO Workers
2014	4	0	5	0
2015	8	0	6	0
2016	20	0	6	1
2017	22	1	8	3

Table 2: Civilian Deaths by Province Due to Suicide Attack, 2014-2017 (Source: Gollub and O'Hanlon 2020)

Year	Baghdad	Anbar	Salah ad Din	Diyala	Ninawa	Tamim	Babylon
2014	632	173	268	167	44	95	119
2015	295	117	135	284	0	7	15
2016	962	58	172	138	105	25	246
2017	78	4	7	6	64	0	0

Table 3: Iraqi Civilian Fatalities since 2014 (Source: Gollub and O'Hanlon 2020)

Year	Iraqi Civilian Fatalities Due to Violence
2014	20,218
2015	17,578
2016	16,393
2017	13,183

Table 4: Most Frequent Attack Targets in Iraq, 2013 to 2017 (Source: World Data.info 2020)

Target	Attacks	Killed	Injured	Hostages
Private Citizens	6142	21,399	36,170	13,695
Police	2073	6,887	7,585	1,681
Business	1431	3,761	9,390	334
Non-State Militias	874	3,688	3,488	411
Government	866	1,378	2,010	497
Military	655	4,132	3,576	1,338
Religious Institutions	284	1,064	2,116	30
Utilities	230	370	137	98
Transportation	228	452	1,090	9
Educational Institution	126	142	450	65

Table 5: Most Affected Regions, 2013 to 2017 (Source: World Data.info 2020)

Region	Attacks	Killed	Injured	Hostages
Baghdad	3821	8,842	25,064	154
Saladin	2210	5,482	8,986	943
Al Anbar	1985	6,582	5,372	4,291
Diyala	1725	3,703	7,459	395
Nineveh	1671	8,396	3,220	5,932
Kirkuk	847	1,743	3,945	5,381
Babil	592	1,599	3,659	268
Basra	80	108	237	6
Arbil	48	409	114	90
Wasit	47	110	334	2
Karbala	44	116	290	0
DhiQar	29	129	253	3
Al Qadisiyah	23	20	113	0
Sulaymaniyah	20	19	22	2
Najaf	12	26	82	0
Muthanna	11	53	123	26
Maysan	7	18	83	1
Dihok	5	1	1	1

Table 6: Terrorist Organizations in Iraq, 2013 to 2017 (Source: World Data.info 2020)

Organization	Attacks	Killed	Injured	Hostages
Islamic State	3803	22,127	20,966	15,106
Al-Qaida	74	350	927	2
Asa'ib Ahl al-Haqq	57	111	37	91
Al-Naqshabandiya Army	23	123	113	0
Mukhtar Army	4	35	130	0
Pro-Government Extremists	4	4	0	0
Kata'ib Hezbollah	3	49	600	1,527
Ansar al-Islam	2	10	6	1
Muslim Extremists	2	4	0	1
Badr Brigades	2	0	0	2
Al-Nusrah Front	1	8	0	0

CONCLUSION

The Islamic State of Iraq and Syria is not similar to any extremist Islamic organizations that preceded it. This organization had oil and commercial lines, and in addition to the antiquities, it looted from both countries. It left challenging to remove traces, even with the organization's demise. The organization's leadership and its members claim that they are defending the Sunni component and convincing the people of the Sunnis that the Shiite component will not have mercy on them. ISIS threatens Iraqi national security in a way that Iraq has never witnessed from an extremist organization. Besides, by answering the research questions, the researcher shed light on the issue of sectarian differences before the emergence of ISIS, describing them as one of the reasons for the strength of this organization.

ISIS was seeking long-term goals, the most important of which was preparing to disseminate this new extremist ideology. The brain and the exploitation of poverty, ignorance, and political conflicts that ISIS used aimed to implant the extremist mentality in the minds.

The only solution is to fill the gaps that allowed ISIS to emerge and obtain its power. These gaps are represented by working to unify the military forces inside Iraqi territory. This can only be done by eradicating the hostility and sectarian dissonance among the components of the Iraqi political parties and groups. The real danger is not the number of individuals or the military and economic strength of terrorist organizations, but rather the danger lies in the extremist terrorist ideology. The world and the international community should understand that this danger has not gone away yet and that protecting the national security of Iraq or other countries that have suffered from ISIS is a top priority. The international community should develop policies to support parties that have proven to be resistant to and combating terrorism.

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ECONOMETRIC EVALUATION OF PUBLIC DEBT ON INFLATION: EVIDENCE FROM KOSOVO AND NORTH MACEDONIA

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Abstract: *The nexus between public debt and inflation has been continuously investigated, but after the pandemic, it has returned to the center of researchers' courtesy. Consequently, this research examines the influences of public debt, interest rates, trade openness, GDP growth, and foreign direct investments on inflation. The study employs secondary data from 2008 to 2021 and incorporates a mixed econometric technique such as the Ordinary Least Squares (OLS) and Arrellano-Bover/Blundell-Bond approach. The study's findings argue that public debt, interest rates, and trade openness significantly influence inflation, whereas GDP growth has a significantly negative impact. Because of the limited number of observations in the context of the research, we have not been able to evaluate the impact in the long term. The uniqueness and relevance of this research stem from its use of a combined approach, and in recent months, a continuous increase in inflation has been recorded throughout the world. The current findings and arguments inspire a productive discourse among academics, scholars, and policy-making entities.*

Keywords: *Public Debt; Inflation; Time Series Models*

INTRODUCTION

The treatment of the inflation phenomenon and the drivers that cause pressures on the growth of inflation have always been a focus of researchers and academics, and it continues to be so nowadays. The fundamental objective of public policy in the country is to promote sustainable economic growth by trying to keep inflation (INF) at a low level. Nevertheless, in most developing countries, the governance structures are forced to accept public debts to overcome these challenges, even though this growth in public liabilities may lead to inflationary pressures, as the alternative perspective may harm the economy. This issue becomes even more complicated considering the current scenario caused by the Covid-19 pandemic, as well as the circumstances of the ongoing conflict in Europe, where central banks are often forced to choose between price stability and their responsibility as the government's last creditor (Fiedler, Gern, and Stolzenburg 2020). Based on this argument, an essential question is necessarily presented

that has continuously attracted the attention of many researchers to investigate whether public debt causes inflation (Sargent and Wallace 1981).

Therefore, it is worthwhile to note that there is a substantial divergence in the causes of INF from this point. Conferring to proponents of the monetarist hypothesis, INF is a monetary issue, with the premise that a monetary expansion will boost actual output and prices in the short term but would only increase prices eventually (Friedman 1968). Conversely, recent research has shown that inflation is caused not only by monetary characteristics but also by fiscal issues that may arise from the fiscal deficit or public debt (Lin and Chu 2013; Nastansky and Strohe 2015). In addition to the contradiction to the monetarist view that only monetary aggregates drive INF, Kwon *et al.* (2006) argue that the fiscal theory of price levels identifies the wealth effect of public debt as an additional channel of fiscal pressure on inflation. He stresses the significance of fiscal policy in the inflation process, claiming that the money supply alone may not be sufficient to determine the length of the INF. Conferring to scientific findings, public debt can have a neutral impact, which is equivalent to the Ricardian hypothesis. Barro (1989) and Aimola and Odhiambo (2021) have established such an argument.

Considering the relevance of inflation, particularly the rising trend in 2021 and the tremendous predictions for 2022, there is an extra reason to explore the interaction between several macroeconomic determinants, emphasizing public debt and inflation. Because considering the above arguments, there is no agreement on the influence that public debt can have on inflation; therefore, in our research context, it is unquestionably crucial to analyze the following research question (RQ):

RQ1: Does the increase in public debt positively affect the increase in inflation in the case of Kosovo and North Macedonia?

The research to accomplish the stated objective comprises panel data (two groups) from 2008 to 2021, with the combined econometric technique used to resolve the dilemma expressed in the research question. The overarching objective of the research, particularly the econometric results, is to contribute to various areas. First, it extends to the empirical work by employing current data to analyze the link between public debt, macroeconomic factors, and inflation. Second, in terms of novelty and academic contribution, it offers econometric evidence based on panel data using a mixture of OLS Regression and Arrellano-Bover/Blundell-Bond. Third, based on the research, this is the first investigation that deals with this matter, including only these economies.

Finally, by addressing the policy suggestions, the study intends to facilitate these institutions in explicitly understanding the triggers that cause inflation pressures on the one hand and in the redesign of normative acts to prevent the growth of public debt on the other. The research structure is organized as follows: the second part contains a review (background) of the literature, the third part contains the methodology and data, the fourth part contains the results and their discussion, and the fifth part contains the conclusions and policy implications.

THEORETICAL BACKGROUND AND DEVELOPMENT OF HYPOTHESES

The starting point regarding measuring the influence of PD on macroeconomic phenomena, and in our instance, the impact of PD on inflation, is to understand the mechanisms through which the primary macroeconomic factors can be influenced. The government's mechanisms are primarily directed through fiscal policies with the only intention of influencing aggregate demand to accomplish economic objectives, with a specific emphasis on generating price stability, the quality of employment, economic growth, and ensuring low inflation. The monetarist concept dominates from a theoretical standpoint, arguing that inflation is a monetary phenomenon and that its oversight should be solely the responsibility of monetary authorities. The consistency of this assumption is that an expansionary monetary policy will immediately affect the rise in output. Still, it will also influence the overall price increase in the short run, while only the price level will increase in the long term (Friedman 1968).

Nonetheless, it should be emphasized that there are differing perspectives on the interaction of monetary and fiscal policy and its implications for this phenomenon. Based on the Ricardian philosophy, the classical perspective argues that the demand for liquid assets and progressive growth over time determine the path of influencing prices (Javid *et al.* 2008). In a quiet circumstance, fiscal policy is described as a passive policy, with the argument that sovereign bonds are not net assets, and interest rates in cost determination direct the function of monetary policy. Additionally, according to Barro (1989), Ricardian equivalence has established that the budget deficit or public debt has no significant impact on determining the price, concluding that sovereign bonds cannot be classified as net assets. On the other hand, proponents of modern theory explicitly believe that inflation is impacted not only by monetary factors but also by fiscal matters. Throughout the latest period, opponents of the Ricardian philosophy have argued that under an active fiscal system, changes in the quantity of public debt can produce variations or volatility in inflation, even if monetary policy is unrelated (Marzieh 2015). Studies that support a constant positive association between PD and inflation have been conducted by Musgrave (1949), Phelps (1973), continuing Romero and Marin (2017), and Afonso and Ibraimo (2018). Nevertheless, considering these views, our research presents the hypothesis as follows:

Ho: Public debt has a significant positive impact on inflation in the economies of Kosovo and North Macedonia.

EMPIRICAL EVIDENCE

The following section will explicitly explore the research undertaken from the early perspective, emphasizing the applied determinants while establishing a connection between the research question and validating the presented hypothesis. Several authors have conducted studies analyzing economies using various techniques and econometric models, notably a panel of countries, developed economies, and emerging economies. Nevertheless, it is worth mentioning that there is no consistency among the scholars arguing diverse linkages between public debt (PD) and inflation.

Generally, there are opposing views on the consequences of PD on inflation. Karakaplan (2009) empirically tested whether the external PD was less inflationary in countries with sophisticated financial markets and if the implications of inflation drivers differed across countries. The study used unbalanced secondary data via the GMM method on a sample of 121 economies separated into industrialized and non-industrialized countries from 1960 to 2004. Empirical evidence revealed a negative connection between the two categories, with the supplementary argument that economies with established financial markets are less impacted by PD. Reinhart and Rogoff (2010) investigated the correlation between PD and inflation using time series from 1946 to 2009 in a sample of 20 advanced and 24 developing economies. Their observations claim that high PD levels are not statistically associated with inflation in developed countries, but high levels of public debt harm inflation in developing economies. Thahara and Washima (2019) reached the same conclusion that public debt has a significant adverse effect on the Sri Lankan economy by using the Error Correction Model (ECM) and various methodologies to quantify the effect in the short and long run.

On the other hand, numerous studies offer empirical evidence that public debt has a negligible influence on inflation. Janssen, Nolan, and Thomas (2003) investigated how monetary and fiscal policy factors affected price determination in the United Kingdom. The valuation framework (VAR) approaches were employed throughout the different sampling periods to conduct this research, focusing on the interactions between the public debt, the budget deficit, and the price level. The outcomes of this research indicated that public debt is insignificant in predicting the inflationary process in the United Kingdom. Furthermore, Kwon, McFarlane, and Robinson (2009) used a mixed empirical approach through OLS and the VAR to test the relationship between public debt via inflation in 23 advanced economies, 48 developing economies, 9 Asian countries, 6 Middle Eastern countries, and 5 European countries from 1963 to 2004. The research demonstrates no significant association between these two components in advanced economies. However, the relationship between public debt and inflation is solid and consistent in countries with high public debt. Finally, emerging economies have a consistently positive relationship, whereas countries with a high level of public debt have a weaker association. Similarly, the study by Aimola and Odhiambo (2022), using an advanced technique via the autoregressive distributed lag (ARDL) methodology, examined the influence of public debt on inflation in Nigeria from 1983 to 2018. The study's conclusions are consistent with the previous research, which demonstrated that public debt does not influence inflation.

The joint research contends that public debt and inflation positively correlate. The above argument's defenders consist of (Van Bon 2015; Lopes Da Veiga, Ferreira-Lopes, and Sequeira 2015; Romero and Marin 2017; Durguti, Kryeziu, and Gashi 2020; Duarte Urquhart 2021; and Amiola and Odhiambo 2022). To obtain this conclusion, Van Bon (2015) examined 60 economies in the development cycle (22 Asian countries, 11 Latin American countries, and 27 African countries) from 1990 to 2014, demonstrating that public debt positively influenced inflation. Considering this assumption, Lopes Da Veiga *et al.* (2015) examined 52 African economies using the database and technique used by Reinhart and Rogoff (2010). They concluded that a high level of public debt encourages higher inflation. Similarly, Romero and Marin (2017) investigated the link between public debt and inflation using panel data from 52 countries and the VAR approach.

According to this research, the countries with high public debt and continued rises have resulted in inflationary economies. Additionally, the econometric findings of this study reveal that increasing the ratio of public debt to GDP has a considerable beneficial influence on inflation in developing countries. Nevertheless, the influence on industrialized countries was insignificant.

Based on the empirical evidence in the Western Balkans, insufficient research has been performed to examine the degree of association between public debt and inflation. Durguti *et al.* (2020) analyzed the panel economies of the Western Balkans using the vector error correction model (VECM) technique from 2001 to 2017. The study analyzed the variables of the budget deficit, government debt, interest rate, and unemployment. The findings confirm that an increase in public debt strongly influences inflation in the economies studied. The trajectory of public debt, inflation, and the fiscal theory of price level (FTPL) in emerging markets, specifically the economy of Paraguay, was treated by Duarte Urquhart (2021), who studied the association between these two indicators while considering account FTPL, employing quarterly data from 1993 to 2019. The conclusions of this study emphasize the necessity of monetary policy differentiation, where it is stated that active fiscal policy can increase public debt, which causes inflationary pressures.

Finally, Amiola and Odhiambo (2022) discovered an asymmetric interaction between public debt and inflation by employing the nonlinear autoregressive distributed lag (NARDL) method. Those parameters demonstrate a significant positive association in the short term but eventually have a negative relationship. Additionally, this study included other explanatory parameters such as economic growth, private investment, and trade openness. Interest rates play a vital role in monetary policy in all economies; hence, their influence on inflation is included in the research. Fazlollahi and Ebrahimijam (2022) explored the correlation between interest and inflation rates to justify the Canadian government's inflation-targeting policy. Empirical explanations are supported by evidence that interest rates converged in their long-term equilibrium with a constant of 0.031 units of macroeconomic determinants in the Canadian economy. According to this study, there is a positive association between interest rates and inflation. Trade openness and GDP growth are strongly intertwined when studying macroeconomic issues, particularly the occurrence of inflation. Therefore, the authors support the argument that trade openness and GDP growth are stable to inflation (Durguti and Malaj 2022; Afari *et al.* 2021; Aimola and Odhiambo 2021; Roncaglia de Carvalho *et al.* 2018).

METHODOLOGY AND DATA

Data Sources

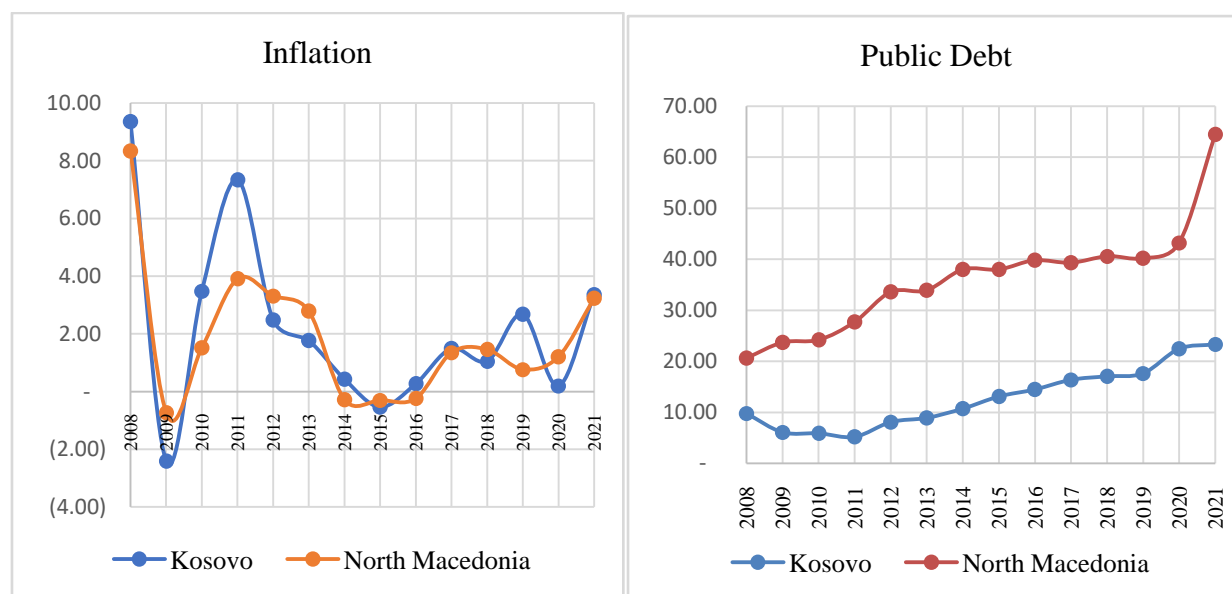
This study includes a sample of two countries (Kosovo and North Macedonia) to examine the impact of public debt and other determinants on inflation. The data were mainly extracted from the World Bank database and the International Monetary Fund, including from 2008 to 2021. The selection of these two countries was made based on the availability of the data and the typical specifications they have. The other argument for selecting data as the starting year is 2008, which is that Kosovo has become independent. The applied data are time series firmly

balanced with 24 observation periods, classifying them into two categories: inflation is the dependent variable, while the explanatory variables are public debt, interest rate, trade openness, GDP, and foreign direct investments. The data used are data according to the official format defined and are considered among the most credible data and, as such, used by global researchers. In this context, Table 1 presents the variables with their acronyms and the sources where they are used.

Table 1: Variable Descriptions and Data Sources (Source: Author's selection)

Variable	Denominations	Acronyms	Data Sources
Dependent Variable	Inflation	INF	World Bank Indicators
Explanatory Variables	Public Debt	PD	World Bank Indicators
	Interest Rate	IR	International Monetary Fund
	Trade Openness	TO	World Bank Indicators
	Gross Domestic Product	GDP	World Bank Indicators
	Foreign Direct Investment	FDI	World Bank Indicators

Regarding study variables, specific consideration was given after an examination of the literature in the scientific context, and the formulation and design of the variables were based on the studies conducted by Durguti *et al.* (2021) and Aimola and Odhiambo (2021). The study also contains two unique factors, which add value equally in terms of extending the literature and analyzing their effect on inflation.



Graph 1: Inflation and Public Debt Trends during Observation
(Source: Authors' calculations)

Graph 1 exhibits the pattern of inflation movement throughout the whole study stretch, and it can be seen that in 2011, Kosovo had 7.33 percent inflation compared to North

Macedonia's 3.91 percent. While in other periods, an insignificant difference is observed between these two states. Nevertheless, the metric used to evaluate whether inflation affects inflation varies significantly amongst the studied economies. During the observed period, North Macedonia had almost three times the most extensive public debt compared to Kosovo. It should be underlined that North Macedonia achieved the peak level of public debt in 2021, at 64.43 percent of GDP, which is within the Maastricht agreement's threshold. The part that includes statistical descriptions will thoroughly examine these factors and other applicable factors.

Specifications of the Econometric Model

The study employs the combined OLS and Arellano-Bover/Blundell-Bond technique to explore the effects of macroeconomic factors (PD, IR, TO, GDP, and FDI) on Kosovo and North Macedonia inflation. Data annually, spanning the period 2008-2021, were employed to calculate their interrelationship. The study modified the model used by Nguyen (2015) and Durguti *et al.* (2021). Thus, through this perspective, the OLS model in this scenario looks like equation 1.

$$INF_{it} = \alpha + \beta_1(PD_{it}) + \beta_2(IR_{it}) + \beta_3(TO_{it}) + \beta_4(GDP_{it}) + \beta_5(FDI_{it}) + \varepsilon_{it} \dots \dots \dots (1)$$

The predictor constraint is represented by INF_{it} whereas the control variables are, PD_{it} , IR_{it} , TO_{it} , GDP_{it} , and FDI_{it} . The predictive constant is α , and the error term is ε_{it} . The model requires that the constants of the control variables be matched across components (i) and periods (t). In contrast to the basic model, the component of ordinary least square error ε_{it} that is unique to each remark unit, is included in the random error ε_{it} according to the conjunction of time series and comparison statistics. In the following paragraphs, we will present the dynamic GMM equation as a given formula in our concrete scenario and then extend the equivalence in the first difference to identify the effects of determinants on inflation using this approach. Beyond that, we will run the dynamic GMM model as a generalized equation in our concrete scenario and then develop the argument in the first difference to examine the effect of variables on inflation using this method.

$$INF_{it} = +\alpha_{it} + \beta_0(INF_{it-1}) + \beta_1(PD_{it}) + \beta_2(IR_{it}) + \beta_3(TO_{it}) + \beta_4(GDP_{it}) + \beta_5(FDI_{it}) + \mu_i + \varepsilon_{it} \dots \dots \dots (2)$$

$$\Delta INF_{it} = +\alpha_{it} + \beta_0(INF_{it-1}) + \beta_1(PD_{it}) + \beta_2(IR_{it}) + \beta_3(TO_{it}) + \beta_4(GDP_{it}) + \beta_5(FDI_{it}) + \mu_i + \varepsilon_{it} \dots \dots \dots (3)$$

where, μ_i is an unobserved time-invariant, country-specific effect, and ε_{it} is an observation-specific error term.

For the empirical equations (1) and (2), the presence of the lagged dependent factor produces autocorrelation. It can make OLS inconsistency and estimate bias for short-time dimensions (small T) (Judson and Owen 1999). Therefore, we decided to use the Arellano-Bond (1991) difference GMM estimator first proposed by Holtz-Eakin *et al.* (1988). The Arellano-Bond estimator was designed for dynamic "small-T and large-N" panels (Roodman 2006).

In the standard GMM procedure, it is essential to distinguish instrumented parameters and instruments. Endogenous parameters are placed in the group of instrumented variables by lags of these variables (Judson and Owen 1999). Strictly exogenous regressors and extra instruments are placed in the group of instrument variables and included in the standard IV procedure. For exogenous variables, their level and lags are suitable instruments (Judson and Owen 1999) and (Arellano and Bover 1995).

Sargan statistics are used to test the reliability of the instruments in the GMM estimator. The Sargan assessment with null premise H_0 : the instrument is entirely exogenous, meaning it has no association with errors. Consequently, the p-value of the Sargan statistic is as high as possible. The Arellano-Bond test is used to determine autocorrelation in the first difference errors. Hence, the screening test of the first autocorrelation of errors, $AR_{(1)}$, is neglected. In contrast, the second autocorrelation of errors, $AR_{(2)}$, is tested on the first difference series of errors to discover the phenomenon of the first autocorrelation of errors.

Descriptive Statistical Analysis

This section presents the empirical evidence of descriptive statistics, which are reported in Table 2. The first metric shown is inflation, which ranges from -2.41 percent to 9.35 percent, indicating the lowest and greatest rates reported in the sample context, while the mean value of inflation for the observed period is 2.04 percent with a standard deviation of 2.69 percent. The mean value of public debt in our scenario is 24.51 percent of the value of GDP, while the minimum reported value is 5.21 percent of GDP, and the maximum is 64.43 percent of GDP, achieved by North Macedonia in 2021. Another variable examined in this research was the interest rate (IR), which has a mean value of 5.92 percent, the lowest value of 3.23 percent, and a highest of 10.67 percent. Kosovo has the highest interest rate in this scenario. The range between the smallest and highest values for the trade openness variable is 74.02 percent, respectively 147.80 percent. At the same time, the mean value is 99.32 percent. During the period under study, the lowest value of economic growth was recorded in Kosovo in 2008 at 6.11 percent. However, the maximum value of economic growth was recorded in Kosovo at 9.12 percent, with a standard deviation of 3.24 percent.

Table 2: Summary of descriptive statistics (Source: Author's calculation)

Variables	INF	PD	IR	TO	GDP	FDI
Minimal	-2.410	5.210	3.228	74.020	-6.110	0.535
Maximal	9.350	64.431	10.670	147.80	9.127	10.401
Mean	2.043	24.513	5.922	99.318	3.235	4.873
Std.Dev	2.698	14.715	2.518	22.255	3.242	2.128
Skewness	1.185	0.635	0.790	0.547	-1.354	0.814
Kurtosis	4.227	2.947	2.133	2.098	5.199	3.705
Obs	24	24	24	24	24	24

The study's last variable is foreign direct investment, with a mean value of 4.87 percent of GDP. The statistics dispersion during the observation period, as shown in Table 2, has no

value considerably greater than zero (0), indicating that the data exhibit a stable symmetrical connection (Bulmer 2003). Kurtosis outcomes, on the other hand, demonstrate positive values because of the correlation of the factors used. According to authors MacGillivray and Balanda (1988), an increase in kurtosis is connected to the movement of the probability measure from the sides of the dispersion to the centers with its axis.

Diagnostic Tests for Multicollinearity

We performed the two most suitable techniques, correlation breakdown and vector inflation factor, to capture if the data had problems with multicollinearity. Table 3 summarizes the empirical evidence of this evaluation. According to the outcomes, inflation positively correlates with interest rates, trade openness, GDP, and FDI. At the same time, there has been proof of an adverse association between inflation and public debt. The observed information proves that inflation has a weak association with all the factors tested except for foreign direct investments. FDI has a constant of 0.552, considered a modest positive association (Pallant 2017).

Table 3: Correlation Analysis and VIF (Source: Author's calculation)

	INF	PD	IR	TO	GDP	FDI
INF	1.0000					
PD	-0.1693	1.0000				
IR	0.2118	-0.7871	1.000			
TO	0.2947	-0.3549	0.3695	1.000		
GDP	0.0263	0.3119	-0.4004	-0.2233	1.000	
FDI	0.5552	-0.4498	0.2730	0.3670	-0.2682	1.000

This evidence also suggests that if the constants between the dependent and independent factors are more than 0.7 (coefficient >0.7), the data do not have a problem with multicollinearity. We used the VIF analysis to reinforce the outcomes of the correlation breakdown, and the outcomes indicate that the mean VIF is 1.45, which is less than the significant value of an estimated $\alpha = 0.05$.

RESULTS AND DISCUSSION

Combined regression analysis was performed to investigate the relationship between the explanatory and predictor variables. Estimates according to the static OLS approach and the dynamic approach through Arrellano-Bover/Blundell-Bond were used to evaluate the study's hypothesis that public debt has a significant positive impact on inflation. Table 4 presents the results of the research in the context of Kosovo and North Macedonia. Based on the findings, the constant alpha R^2 is 0.4726, indicating that the OLS model explains 47.26% of the variability of inflation, while the remaining part is described by other parameters that are not part of the

research. Adjusted R^2 is 0.2842 or 28.42 percent, which explains the variation of the variables included in the research.

The F statistic value is 2.51 (p -value = 0.0002), which is compared to a significant value of 5 percent, which means that the premise of a significant direct association between the predicted and explanatory factors is accepted. To test whether the data have any concern with heteroscedasticity, the Breusch-Pagan test is performed. Based on the empirical evidence, if the p -value is less than $\alpha \leq 0.05$, the null hypothesis should be rejected. In the context of our investigation, the results show that $p \geq 0.05$, respectively = 0.8962, and considering this evidence, we conclude that the data do not have any concern or problem with heteroskedasticity.

The second estimation was carried out using the Arellano-Bover/Blundell-Bond, and the $AR_{(2)}$ test was applied to analyze if the data had autocorrelation between them. To evaluate the suitability and validity of the instruments in the first difference and serial autocorrelation of residuals, we have performed the Sargan J-test (see the result of Wald $\chi^2_{(1)} = 3.36$ with $p = 0.0067$. The Sargan J test was used to examine the over-identification of limitations in a statistical model. Thus, based on the test results, $p = 0.5054$ shows no concern with the reliability of the dynamic estimation according to Arellano-Bover/Blundell-Bond (Sargan 1958) and (Kitamura 2006).

Table 4: Estimation Results (Source: Author's calculation)

	Model 1		Model 2	
	Coefficient	$P > z $	Coefficient	$P > z $
<i>constant</i>	0.5875	0.079	1.7027	0.000
PD	0.4911	0.036	0.4325	0.067
IR	0.2242	0.092	0.0208	0.044
TO	0.0784	0.065	0.0442	0.000
GDP	-0.1343	0.297	-0.3557	0.000
FDI	0.2176	0.169	0.1980	0.269
Observation number	24	-	24	-
Diagnostic tests				
R^2 - squared	0.4726	-	-	-
Adj R^2 - squared	0.2842	-	-	-
F-test	F(5,14) 2.51	$p = 0.0002$	-	-
χ -heteroscedasticity	Chi2 (1)	$p = 0.8962$	-	-
Mean VIF	1.45	-	-	-
AR (2) test	-	-	Wald $\chi^2_{(1)} 3.36$	$p = 0.0067$
Sargan Jtest	-	-	Chi2 = 27.237	$p = 0.5054$

Note: Significant at 1, 5, and 10 percent. Model 1 is an OLS, and Model 2 is Arellano-Bover/Blundell-Bond estimation.

The results obtained are summarized in Table 4. Initially, our regression results (in both the OLS and Arellano-Bover/Blundell-Bond techniques) reveal that PD growth has a significant and persistent positive influence on inflation in Kosovo and North Macedonia. The coefficient

for PD is $\beta = 0.4911$ with $p = 0.036$ (according to OLS) and $\beta = 0.4325$ with $p = 0.067$ (according to Arellano-Bover/Blundell-Bond). This signifies that growth of 1 percent of the PD increases by 0.4911, respectively 0.4325 percentage points of inflation. PD constants were significant at 5% and 10 percent. Our econometric evidence supports (H_0) the stated hypothesis that there is a positive association between PD and inflation. The results follow earlier academic research that has explored the association between PD and inflation and has argued for a confident association between the various methodologies used. Gomez-Gonzalez (2021) empirically investigated the determinants of cross-country heterogeneity between PD and inflation for developed and emerging economies from 1995 to 2017. The study's findings claim a steady positive association between these two variables, with the critical verdict arguing that economies with high inflation substantially impact public debt. Considering these outcomes, Akingbade and Odhiambo (2022) discovered a substantial positive link between PD and inflation using the ARDL bounds testing approach. Additionally, the outcomes of this study suggest a good correlation in both the short- and long-term.

An interest rate (IR) based on the outcomes of $\beta = 0.2242$ with $p = 0.092$ according to OLS and $\beta = 0.0208$ with $p = 0.044$ according to GMM has resulted in a positive consequence on inflation in the circumstance of Kosovo and North Macedonia with a confidence level of 5 and 10 percent. This signifies that every 1 percent rise in IR directly influences the inflation of 0.22 or 0.02 percentage points. This conclusion contradicts Fisher's hypothesis, which states that the predicted result adversely influences these two variables. The previously observed discoveries by Kandel *et al.* (1996) oppose Fisher's premise, stating that the nominal value of the IR incorporates an associated risk of inflation that is positively linked. Durguti *et al.* (2020) provide similar empirical facts by examining the drivers of inflation in Western Balkan economies using the Vector Error Correction Model (VECM) and unit root tests. The panel's discoveries indicate that the budget deficit, PD, and IR are statistically positive concerning inflation.

An additional determinant included in the study as an explanatory variable is trade openness (TO), which, based on the reliability β coefficients, indicates a more pronounced difference between the models used. The OLS model proved to be significant at the 10 percent confidence level since the p-value is $p = 0.065$, while according to Arellano-Bover/Blundell-Bond, it is statistically significant at the 1 percent confidence level since the p-value is $p = 0.000$. These findings mean that each increase in TO by 1 percent affects an increase of 0.07, respectively 0.04 percentage points inflation. At this point, there is a substantial difference between the studies in which the various conclusions are discussed, and it is important to keep in mind that the author Romer (1993) proposed the hypothesis that economies with a high level of TO have lower inflationary pressures. Our conclusions reject this premise, arguing that there is a positive link involving TO and inflation in our observed scenario.

Additionally, Ahmad *et al.* (2012) evaluated the (Romer 1993) hypothesis by examining developed and developing economies. Their results support a positive association between TO and inflation, which is consistent with our findings. Afari *et al.* (2021) reported a positive association between TO and inflation after researching 25 Sub-Saharan African countries. Furthermore, recent research employing panel data for Southern and Western European countries performed by Durguti and Malaj (2022) reveals a positive association between them.

The final determinant that has had a substantial influence on inflation is economic progress, measured by GDP growth. Thus, according to Arellano-Bover/Blundell-Bond, the coefficient is $\beta = -0.3557$, with $p = 0.000$. Our findings reveal that the GDP growth coefficient has an adverse sign and is statically important at the 1% reliability interval. Based on this, we infer that GDP growth in our scenario (for the countries of Kosovo and North Macedonia) harms inflation. These observations agree with the predictions of Aimola and Odhiambo (2021), who identified a negative association between these categories. Roncaglia de Carvalho *et al.* (2018) obtained the same finding after using the feasible-GLS technique to explore the link between economic development and inflation in 65 undeveloped countries. The study demonstrates a slight adverse correlation relating economic development and inflation.

CONCLUSION

The overall aim of this study was to explore the link between public debt and inflation, and the findings revealed a significant positive association between them. The data used is a panel of two countries from 2008 to 2021. Although several studies have been conducted on the relationship between public debt and inflation, very few studies have been conducted on the economy of Kosovo or North Macedonia. Therefore, this study brings added value both in the theoretical and empirical aspects, especially for the countries included in the analysis. The research's novelty and significance stem from selecting a critical macroeconomic issue. However, the emphasis is on public debt and inflation, a concern for every government worldwide. We discovered that public debt, interest rate, trade openness, and GDP had a significant influence on inflation using panel data for two economies using the combined OLS and Arellano-Bover/Blundell-Bond technique. Meanwhile, foreign direct investments have shown insignificant results.

The study performed diagnostic tests on data distribution, heteroskedasticity, multicollinearity, AR (2) for autocorrelation, and the Sergan J-test for the feasibility of the GMM technique before performing the regression analysis. During the empirical analysis of public debt for the analyzed period, statistical data disclosed that Kosovo has a low rate of public debt. Still, in the last two years, a significant increase has been observed, reflecting a completely different picture compared to North Macedonia, which in 2021 reached the highest rate and that of 64.43 of GDP. Furthermore, the study sheds light on the complexities of inflationary incentives in the economies under consideration. Its importance can be conceptualized from two perspectives. First is the empirical literature on the determinants that affect inflation, which recently has been surprisingly ignored by almost all structures, beginning with researchers, academics, and policymakers. Second, the governing structures' misunderstanding of empirical evidence has been repeatedly highlighted, with underdeveloped countries seeing the most extensive inflation levels compared with sophisticated economies.

Finally, it is worth mentioning that the research is not only an examination of the link between public debt and inflation. As such, it cannot be considered unique for all economies but may be applied to economies with similar characteristics. Without a doubt, multiple techniques and methodologies can be used in this discipline, and they can be improved, strengthened, or even challenged by incorporating additional, more particular factors. Given the complexity of

the research, for future research, curiosity is added to the expansion of time series, states to be included in the analysis, other more specific drivers, and their evaluation in the short- and long-term aspects.

Implications

In terms of policy outlook, the governments of the respective economies must perform harmonized monetary and fiscal policies to adapt to the legislative aspects of emerging economies. Research may significantly improve policy-making frameworks through reforming macroeconomic guidelines, particularly monetary policies that supervise the macro-fiscal system and related segments. This signifies that the administration shall run the economy constructed on inflation directing (focused on a certain level of inflation), and public debt should be maintained at a certain level to build sustainable economic progress and avoid a public debt crisis in the future.

COMPLIANCE WITH ETHICAL STANDARDS

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Statement of Human Rights:

This article does not contain any studies with human participants performed by any authors.

Statement on the Welfare of Animals:

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Informed Consent:

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ACTUAL CHALLENGE IN INTERNATIONAL CORPORATE TAXATION: SHIFTING THE OBLIGATION OF CONDUCT INTO OBLIGATION OF RESULT

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Abstract: *The research answered whether cooperation in ruling corporate taxation, a traditional obligation of conduct of sovereign states, was undergoing profound transformation into the obligation of result. The analyzed topic was not whether the tax authorities want or should cooperate (which is answered per se), but rather how to appropriately respond to the international taxation requirements for strengthening the multilateral agreements. Tax authorities worldwide have expressed concerns about identifying efficient regulation, and the development of multilateral agreements to combat tax evasion was under long and often unproductive negotiation. The empirical analyses of relevant literature and jurisprudence helped formulate an opinion on the regulation's efficiency in strengthening multilateral taxation. The need to change the nature of the state's obligation to negotiate fiscal regulation was not mentioned explicitly in hard law. Still, it was indirectly supported by soft law instruments, such as state representatives' continuous yet divergent dialogue and the approaches presented in the international courts' jurisprudence. The consistent influence on the obligation to support developments in international law in corporate taxation was justified, given the limit when considering its conduct nature, compared to potential benefits generated by the obligation of result.*

Keywords: Tax Sovereignty; Nature of Obligation; Mutual Agreements

INTRODUCTION

In the actual international context, fiscal law has developed into one of the most representative areas of national law. In contrast, taxation in international law has evolved dramatically over the last decade, in line with the globalization and digitalization of the economy. The state prerogative to design a tax system has transformed from a national legislative competence to a demanding and strongly argued topic of cooperation of sovereign states in international law (Tofan 2020).

The paper presents the influence of tax harmonization on international law, analyzing the current negotiation tools used by governments, with a direct effect on corporate taxation and fighting tax evasion. The topic became important in the context of the financial strengths generated by the global Covid-19 pandemic when responsible and coordinated fiscal policies could release the constraint of public budgets. Adopting reasonable and effective regulation is

endangered by the amplitude of the divergent interests of the partners in fiscal relations: taxpayers aim to pay less taxes. In contrast, tax authorities struggle to collect more revenue for public budgets. The fundamental right of the taxpayer to choose the most appropriate jurisdiction collides with the natural action of the governments to strengthen the administrative and cooperation procedure to increase public revenues. Consequently, the volatility of fiscal regulation is higher when unforeseen global crises put intense pressure on public budgets (Tofan 2021).

The research answered whether cooperation in ruling taxation, traditionally considered the obligation of conduct of sovereign states, was undergoing a profound transformation into the obligation of result. The analyzed issue went beyond tax authorities need to cooperate, as global international taxation requires strengthening multilateral agreements to combat corporate tax evasion. While effective accountability for fair digital taxation is an objective rather than a particular topic of international taxation, developing multilateral corporate taxation agreements has become imperative under continuous negotiation. The change of nature of the state's obligation to cooperate in the fiscal area is not explicit (it was not mentioned directly in hard law), but soft law instruments indirectly support it, and it is manifested through the continuous and divergent dialogue of state representatives and the approaches presented in the international courts' jurisprudence.

The paper examines the current challenges of corporate taxation, highlights the recent evolution of international taxation in the field of fighting aggressive tax avoidance under EU regulation and assesses the available tools for indirect business tax unification globally, in line with the extraordinary development of digitization. The final part of the paper contains the results and the research limits, proposing future directions for analysis.

THE CURRENT CHALLENGES OF INTERNATIONAL CORPORATE TAXATION

A tax system is a set of rules, regulations, and procedures that: "defines what events or states of the world trigger tax liability (tax bases and rates), specifies who or what entity must remit that tax and when (remittance rules), and details procedures for ensuring compliance, including information-reporting requirements, and the consequences (including penalties) of not remitting the legal liability in a timely fashion (enforcement rules)" (Slemrod and Gillitzer 2014, 1-31).

This definition also offers a large scale of parameters to characterize tax systems when they seem similar. Globalization elevated the interest in the optimal tax system, sharing the revenue being vigorously debated by fiscal authorities. The activities within the scope of other state regulations or under the conflict of two/many different regulations are to be addressed under the terms of the mutual tax treaty/convention between two countries (Tofan 2022). The diagnosis of a particular case is more challenging while fiscal regulation is constantly changing in many countries, and the volatility of the tax regimes generates no long-term predictability for the taxpayer's fiscal optimal conduct (Noord 2003). The situation encourages tax avoidance, with all its negative consequences on the public budgets, so the fiscal authorities struggle to maintain the balance of regulation between the methods to collect more and the mechanism to diminish, if not eliminate, aggressive tax panning.

Relevant literature (Schreiber 2013) considers tax planning equal to tax avoidance. If any situation refers to a valid justification for the option to locate or/develop a specific business, the activity is still considered legitimate tax planning (Tofan 2022). Free will is observed by scholars and researchers and supported by the courts of law jurisprudence through their judgments in favor of the taxpayers. Taxpayers can manage their businesses to keep low tax liabilities if their actions comply with the regulation in force (Schreiber 2013). Tax planning operations are allowed and acknowledged within legal limits and sanctioned by fiscal regulation and, *in extremis*, by criminal law if the taxpayer develops tax planning operation and the economic reasoning cannot be validated. When the regulation includes different possible legitimate actions the taxpayer may choose from, aiming at obtaining the most favorable fiscal treatment, it explicitly allows fiscal planning within the milestones described by the fiscal policy.

RECENT EVOLUTION OF EU LAW AND INTERNATIONAL TAXATION FOR FIGHTING TAX AVOIDANCE

The EU is a *sui generis* state cooperation project which has confirmed its solidity, although it has been confronted with important threats and challenges (Tofan 2022). The EU currency (euro) and the function of the European Monetary Union (EMU) for the 19th of the EU Member States, although the fiscal union does not go along with it, prove the efficiency of the European model of integration (Mendoza, Quadrini, and Rios-Rull 2009). The EU members have drawn a precise and successful framework for the EU Single Market, putting the priorities of their general financial policies at the same level. After the global financial crisis in 2008, the cooperation rhythm slowed, and European integration stalled. The gaps between the EU Member States' taxation system and the global crises (the Covid-19 pandemic and the most recent war in Ukraine) negatively affect the whole process.

Formal EU Member States' sovereignty to regulate income tax systems permits significant differences between tax systems. At the same time, the global development of economic activity justifies the most dynamic companies to move the administrative quarters or the center of operation to the most favorable tax jurisdiction. At the same time, the EU Member States' option to rule the tax system is influenced by the transnational policy, when tax bases migrate from one jurisdiction with a more severe tax system to another for lower tax liability (Jaakkola 2019). Consequently, the respective states adjust their tax systems, responding to the action of companies whose flexibility on the market has been influenced by the fiscal advantages of a certain location (Tofan 2022). Thus, it is justified that states use the regulatory process as a competitive mechanism, which is alleged to have turned Keynesian welfare regimes into competition states.

The asymmetric European integration model has developed the transnational market's order while maintaining the prerogative to rule income taxation for the national regulatory authority (Hagen and Hammond 1998). Accordingly to the European primary law, the regulation in the tax field must respect the principle of subsidiarity. EU institutions act only if the Member State cannot produce effective regulation under the general scope of the EU law (Tofan 2022). Article 5 of the Treaty on European Union (TEU) includes the definition of the principle of the assurance of competence, establishing precise boundaries of the competence of the European

Union, further conditioned by the effects of the principles of subsidiarity and proportionality (Richard 2018).

The Treaty on the Functioning of the European Union (TFEU) defines the internal market (Article 26.2 TFEU), and the features of the European internal market and the general legislative milestones support the idea that fiscal harmonization seems inevitable (Tofan 2022). There is a specific level of harmonization of indirect taxes, i.e., value-added tax (Article 113 TFEU). In contrast, regarding income taxes, Article 115 TFEU gives the European Council the mandate to adopt directives for approximating the regulation affecting the functioning of the internal market, providing that the Council shall act unanimously (Schreiber and Fuhrich 2009). The principle of unanimity, applicable when the Council decides on tax issues, shows Member States the prior option to maintain their power to act immediately and without limitation in tax policy situations (Boria 2017).

There is a particular relationship of dependence between European internal market integration and fiscal harmonization in the EU, which has been outlined by the need to protect and support fundamental economic freedoms through judicial mechanisms and the Court of Justice of the EU control tools (Tofan 2021). When the exercise of state authority to rule taxation creates disadvantages for cross-border operations, excessive tax burdens will be waived because of the judicial control, for the reasoning of unjustified taxing power (Jaakkola 2019).

The situation of cross-border investment is another research topic in connection with the fiscal regulation development at the EU level. The differences in the treatment of these investments by different EU Member States corroborates with the complexity and constant evolution of the financial markets. The taxpayers used arguments such as possible discrimination and restrictions on fundamental freedoms when their cross-border investments are treated too severe from the fiscal point of view (Pato 2008).

Regulating the option for the source jurisdictions to impose limited source taxation on certain related party payments subject to tax below a minimum rate is also debated (OECD 2021). The issue concerns less European tax authorities, where the proper regulatory framework for the income generated in digital business is quite urgent (Tofan 2021). The proposal of two directives supports the efforts to harmonize the EU Member States' vision on this topic: A proposal laying down rules relating to the corporate taxation of a significant digital presence (OECD 2021b) and a proposal on the common system of a digital services tax on revenues resulting from the provision of certain digital services (European Council 2021).

Based on the above reasoning, harmonizing the corporate tax within the EU area is justified, yet the legislation in this domain must be adopted unanimously. On the one hand, it is justified, from the constitutional point of view, to give priority to the Member States' sovereignty. On the other hand, it is crucial to observe that the unanimity vote for fiscal regulation within the EU opposes the qualified majority vote, which is considered the EU's ordinary legislative procedure (Sting 2014). While each state holds the right to block the negotiation on taxation, it is most probable that no consensus on taxation is reached because the fiscal policy is mainly different. There is a legitimate tendency to protect autonomous prerogatives.

Based on fiscal sovereignty, the states can impose certain legitimate restrictions. Discussions are needed to analyze the limitation imposed by a specific rule of law because of

different effects resulting from comparable situations. For instance, comparing the tax treatment for a total domestic economic activity that is less favorable to cross-border activity to conclude the justification of the taxpayer's possible claim (Schreiber and Fuhrich 2009). An example is group taxation, which raises questions about the fiscal treatment when assets are transferred among affiliated entities and questions about applicable exemption methods for calculating the tax liability are formulated. The regulation design for group taxation is ruled using different options (Tenore 2006). Literature presenting two systems of tax treatment (Schreiber 2013):

- Partially tax consolidated group taxation (e.g., Germany, France), including various tools for profit consolidation (aggregation, relief, contribution).
- Full tax consolidation (e.g., the Netherlands), where the group is a single subject of law.

The regulation of the integrated tax group for calculating the profit tax has the considerable advantage of consolidating the income and losses within the company and its subsidiaries. Without group taxation, corporate taxpayers are encouraged to use aggressive tax planning methods (a division of companies or mergers) to group profits and losses between groups from very different economic activities only for fiscal efficiency (Dover *et al.* 2015). Until the issue is uniformly regulated at the EU level, unilateral regulation is the within-reach solution considered by the Member States to benefit from the group taxation advantages, among which is reducing the use of separate legal entities, without economic substance, for tax evasion. For instance, Romania has adopted law no. 301/2021 establishing procedural criteria for group consolidated corporate tax, observing the imperatives of the EU legal order.

The primary EU law states sovereignty in ruling taxation for all EU Member States. However, the development of the EU integration grew based on the efficient management of the regulatory process in the fiscal field. The coordination of the EU member legal systems could not have been anticipated when setting up the European Communities. Nevertheless, the perseverance in following the economic goals has led to the *sui generis* extended integration. Professor Weiler has synthesized this evolution by saying that the EU is neither a confederation nor a federation in the traditional sense of these words. Still, at the same time, it has its own "brand of constitutional federalism" (Weiler 2001, 60). When assessing the connections built among the EU Member States, it is necessary to observe the role of fiscal regulation, directly affecting the market functionality (Craig and De Burca 2011). We observe that one of the most functional directorates of the European Union is titled Directorate for Tax and Customs Union, which is justified if we consider that the EU was built on Customs Union (Herb 2005).

The Court of Justice of the European Union (CJEU) has repeatedly stated that EU Member States can regulate taxation. The intervention of the CJEU is called to censure the tax regulation which obstructs the proper functioning of the EU internal market. While few directives prohibit specific tax arrangements that may not support the Single Market, the CJEU's judgments give Member States ample leeway to decide how to reconfigure their tax systems to eliminate the disadvantageous treatment of cross-border economic activities (Jaakkola 2019). For instance, in Judgment of Case C-375/12, para. 63, the CJEU considered the national Court's case law competent to assess a domestic tax provision that distinguishes between taxpayers depending on where their capital is invested. Recently, in Judgment of Case C-334/20, para. 5 CJEU specifically stated that to prevent tax evasion or avoidance, EU Member States may take

measures to ensure that, in respect of the supply of goods or services involving family or other close personal ties, management, ownership, membership, financial or legal ties as defined by the EU Member State, the taxable amount is to be the open market value.

THE NATURE OF THE OBLIGATION TO NEGOTIATE IN INTERNATIONAL TAXATION

The present global challenges (the Covid-19 pandemic, the war in Ukraine, energy crises etc.) have asked for governments' prompt and efficient reactions to secure their citizens' lives and everyday habits. The severity and the absolute unpredictability of the current threats have diminished all previous collaborative processes and reinforced new ones, responding to the acute needs and risks. Particularly for EU space, where Brexit seemed to be the most demanding scenario to cope with a short time ago, the global context generated additional adverse effects for the integration process.

The EU Member States considered important measures to stop the negative impact in the fiscal area of regulation (Brodzka 2017). Derived from previously used mechanisms of tax integration in the EU, the literature observes positive results of some solutions, like enhanced cooperation, soft law and indirect harmonization through EMU (Sting 2014). Unilateral action of states is easy, requires less political action for adopting and generates short-term results, but it is not preferable in the global context, where the national fiscal systems are colliding, as the alignment of the rule of law is very arguable.

To achieve the EU tax harmonization objectives, there was various proposal such as the Directive on the Allocation of Taxing Rights (ATrID) (Arginelli 2018), the European Commission Action Plan for a Fair and Efficient Corporate Tax System, the Corporate Common Consolidated Tax Base project (CC(C)TB) (Tofan 2019), proposal for Country-by-Country Reporting (CbCR) between tax administrations to increase transparency against aggressive tax planning schemes (Moscovici 2016). Another topic is the tax treatment for dividends, especially regarding dividends payable in another country. The option to regulate the fiscal treatment of incoming and outgoing dividends must consider the prohibition of double taxation and achieving neutrality, despite the actual status of incoming or outgoing (Pantazatou 2013).

From a broader territorial perspective than the EU, the OECD issued 15 actions targeting Base Erosion Profit Shifting (BEPS). However, the European approach seems more efficient because the implementation of the regulations included in a directive (like country-to-country reporting) is ongoing if not achieved, while some members postpone the adoption of the regulation in line with the OECD BEPS initiative.

The European tools for achieving harmonization of the fiscal regime are bold in the field of consolidation of profits for multinational corporations. The process of negotiation is long and never easy. However, the countries prioritize reaching a commonly accepted version of the rule of law and return to the discussion table with perseverance. Innovative solutions are challenged, and the proposal is reshaped, proving the determination to find the best text for the rule of law and the need to have it adopted.

In 2018, it was estimated that one year delay to the previous implementation agenda would be sufficient to address all the issues, so the regulation would be adopted and published in 2019, with applications starting by 2020. Although the previewed deadlines were not

respected, the failure of the CC(C)TB proposal was not acknowledged because the global Covid-19 pandemic crisis emerged in 2019. It has changed the agenda for every regulatory project, justifying any delays. The draft under evaluation includes specific provisions for characterizing a country's digital presence, outlining the features considered sufficient to determine taxable profits. The regulation is meant to reduce the gaps in taxation, which have permitted digital and global companies to innovate their tax planning and to diminish their tax bills spectacularly, minimizing the tax liability in the country where they create profits. The European Parliament proposal for CC(C)TB gave a specific mandate EU Commission to determine the parameters able to characterize digital presence (i.e., number of users, the volume of data collected by digital means). This includes the personal data of the users, highly valuable information managed by companies like Facebook, Amazon and Google, and actions designated as data mining operations (Schuh *et al.* 2019).

The proposal under revision observed the consolidation of the companies' income all over the UE, which are required to calculate their tax bills by adding up the profits and losses of all their European constituent companies. To stop the arbitrary movement of the companies in low tax jurisdiction, in line with the European freedom of movement on the internal market and freedom of establishment, the consolidation of the resulting profit would then be split for all Member States where the companies' income was generated.

Although the proposal was not adopted within the framework of the initially considered agenda, it is still appreciated as a fabulous opportunity to make a giant leap in corporate taxation (Committee on Economic and Monetary Affairs 2021). When adopted, the effects of this regulation will generate a new model of taxation, in response to today's digital economy challenges, in response to the unfair tax competition between corporate tax systems within the European Single Market, by taxing profits inside the jurisdiction where they are generated.

For large and renowned digital multinational companies in digital services like Facebook and Google, the profit margins have mounted up to 40% (European Parliament 2021b). Rapporteur Tang presented his support for introducing a 'sunset clause', echoing the proposal tabled by France (Deloitte 2019) stipulating that the digital service tax proposal refers to temporary measures pending a permanent solution. It will be happily replaced by the regulation of significant digital presence, Common Corporate Tax Base (CCTB) and consolidation of such a tax (CCCTB). The necessity of a cooperation mechanism between tax authorities when a company collects profits from digital services in many jurisdictions and a revision procedure of the regulation regularly (for instance, to evaluate the scope of application, including the rate, the tax base, the threshold etc. every three years) is included.

The Commission adopted a Communication on Business Taxation for the XXI century in May 2021, proposing 'The Business in Europe: Framework for Income Taxation' (BEFIT) to provide a single corporate tax rulebook for the EU based on apportionment and a common tax base. This proposal is expected to be tabled in 2023 and to replace the pending CC(C)TB proposal. To ensure effective taxation, the EU tax mix package would be developed until 2050, a more ambitious plan with a broader timeline. Still, there is skepticism about its success in the context of the failure of the CC(C)TB proposal.

Until the necessary steps to advance on the path of fiscal consolidation are taken within the EU, unilateral action is manifested by the domestic tax authorities, like France's initiative for

taxing digital services, adopted in 2019 (BDO Global, 2021). The Digital Services Tax (DST) has been dubbed the 'GAFA tax', an acronym of the leading US targets: Google, Apple, Facebook and Amazon (Dorin 2019), yet it applies not only to US MNEs but also to other international groups from China, Germany, Spain and even France. In response to the numerous opponents of this unilateral regulation, the tax was suspended to leave room for mutual agreements on the topic. Still, no agreement has been reached at the OECD on the taxation of the digital economy. The French Minister of Economy announced the applicability of the Digital Services Tax in December 2020.

Legitimate concerns about the global effects of the French digital service tax determined the G20 group to reach an agreement concerning the international tax in July 2021. However, as the agreement is not yet implemented, the French Minister of Economic Affairs has stated that the digital service tax will be maintained in France, and the multilateral agreement on this topic, endorsed by the OECD, will probably be applicable starting in 2023 (Reuters 2021).

CONCLUSION AND LIMITS OF THE RESEARCH

As presented in the previous sections, our analysis proves the mutation, like the state's obligation to negotiate internationally, especially in the tax field. The present global threats and challenges have determined a shift in the countries' approach toward drawing multilateral agreements. Topics that seemed shortly before under national regulatory prerogative are now intensely and continuously debated, even if the consensus is not met within a predictable schedule.

The need for harmonized regulation in the tax sector within the EU and globally does not require further clarification. Assuming this need as a direction of action in the national policy, effective implementation has led to significant changes in how state authorities engage in official meetings and negotiations to obtain the best possible legal framework for the taxpayers and the public budgets. The analysis undertaken in this study shows that currently, international law facilitated an important change in compliance with the general obligation to negotiate, from the scope of participation to obtain the best possible results to the objectively measurable active participation, by the result of that negotiation, i.e., the closing of the agreement. While some literature considers that the EU is close to achieving a genuinely tangible shift towards effective prevention of tax avoidance under EU law so that the internal market functions correctly, ensuring optimal and fair allocation of resources within the EU, there are serious impediments for the fiscal integration within the internal market. The Court of Justice of the European Union has a crucial role in the interpretation and development of EU law in general and in the development of EU rules in the field of taxation. The Court has had a traditional moderate and prudential approach, reflected in most judgments. It was also influenced by the necessity to consider the significant impact of its ruling in fiscal cases on the national public budgets directly and on the EU budget indirectly.

The research limits refer to the element like identification of the territorial scope of the research hypothesis and the effects outside the fiscal regulation, both being future directions of investigation.

This paper justifies that global international taxation has evolved to the status that proves the lack of efficiency of unilateral regulation and justifies the imperative of national legislators' cooperation, either as regional partnerships or, ideally, through the implementation of global cooperation mechanisms.

COMPLIANCE WITH ETHICAL STANDARDS

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THE MIGRATION STRATEGIES AND POSITIONS ON THE EU MIGRATION AND ASYLUM AGENDA: EVIDENCE FROM THE VISEGRAD GROUP COUNTRIES

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Abstract: *At the time of the outbreak of the migration crisis in Europe, the Visegrad Group gained the status of the EU troublemaker due to its opposition to the solidarity and cohesion mechanisms adopted on the European level. The migration strategies (not only) of the individual states of the grouping proved insufficient and unfeasible in times of crisis. However, in the case of the Czech Republic, Hungary, Poland and the Slovak Republic, the absence of national mechanisms and solutions was partially replaced after 2015 by joint declarations and statements rejecting active cooperation in resolving migration and asylum pressures within the EU Single Market. Despite failing to manage migratory pressures since 2015, four Central European countries have not learned their lessons and will face unprecedented crises in 2022 again. This time, however, Visegrad countries became the first-line countries affected by the refugee crisis. The migration and asylum agenda is thus becoming an extremely complex problem within the Visegrad Group region due to the initially intense politicization of the topic by the government elites in individual states. The paper analyses the migration strategies of individual states and the migration and asylum management-related positions after the migration crisis in 2015 and the sequence of events associated with the outbreak of armed conflict in Ukraine in early 2022.*

Keywords: *Visegrad Group; European Union; Migration; Asylum; Migration and Asylum Policy*

INTRODUCTION

The increased influx of migrants and asylum seekers from third countries into the EU since 2014 has resulted in the outbreak of the so-called migration crisis, which has become an integral part of the EU's political crisis. However, perceptions of the protection of common values, particularly solidarity, still differ from one Member State to another. Significant differences of opinions on the issue of addressing migratory pressures after 2015 can generally be observed mainly on the west-east EU axis. Since 2015, the Visegrad Group (V4), consisting of four EU Member States - the Czech Republic, Hungary, Poland and the Slovak Republic, became an infamous group of Member States. Since 2015, the image of the so-called troublemakers has begun to link the EU's migration and asylum agenda to this mini-lateral grouping. The group's image has stabilized after EU Council votes on further proposals to address Migration and Asylum policy. In connection with the outbreak of the armed conflict in Ukraine at the end of

February 2022, the V4 again became a geopolitical area, once again inflected with migration and asylum issues. However, the position of states within this declination has reversed. From the original opponents of solidarity and cooperation in Europe since 2015, the V4 has now become the first-line countries and the main transit route for Ukrainians to the western Member States. A well-known proverb states that the more prudent will learn from history. However, this does not seem to be the case within the V4. The presented article analyses the changes in the positions and migration strategies of the individual states of the grouping adopted as a result of the outbreak of the migration crisis in the middle of the second decade of the XXI century and analyses the V4's position on several European initiatives in the field of EU Migration and Asylum policy reform in recent years.

Several researchers and scholars began to address the topic of EU Migration and Asylum policy, the position of the V4 states on its reform, and the rejection of the proposed mechanisms of cohesion and solidarity after 2015. The first significant contributions analyzing the position of the V4 on the management of the migration crisis undoubtedly include Bauerová (2018), Stepper (2016), Ivanova (2016) and Pachocka (2016). Their studies not only analyze parallels and differences in national approaches to crisis solutions but also offer cross-sectional explanations of the refusal to accept migrants according to the solidarity mechanisms adopted at the European level. Later studies by Csányi (2020) and Frelak (2017) offer a comparative analysis of the positions of individual V4 states on the EU migration and asylum agenda. The topic of migration and asylum in the EU has also become an integral part of the contributions dealing with selected aspects of the functionality of the V4 as a mini-lateral grouping in the European Union (Strnad 2022). Probably the most extensive category of scientific literature dealing with the V4 in the context of EU migration and asylum agenda after 2015 is publications analyzing social, historical, political and other developments that influenced national positions on proposed European solutions to solidarity and cooperation and the long-intended reform of EU Migration and Asylum policy.

BRIEFLY ABOUT THE OUTBREAK OF THE MIGRATION CRISIS AND THE POSITION OF THE VISEGRAD GROUP

The first significant sign of agreement within the V4 on the issue of addressing migratory pressures in Europe can be considered the joint position of the Prime Ministers of the V4 countries of September 2015. The common position rejects the introduction of redistribution of asylum seekers based on the introduced principle of mandatory quotas (Visegrad Group 2015). From the point of view of individual Member States, the rhetoric differed slightly at the beginning of the crisis. While the Czech Republic, Hungary and the Slovak Republic rejected mandatory quotas in the first vote, Poland initially took a more reserved position (Jurečková 2016). The change in Polish rhetoric and the unequivocal rejection of the relocation mechanism did not occur until the parliamentary elections at the end of 2015, in which the right-wing Law and Justice (PiS) succeeded. In the following period, the joint promotion of national interests in the V4 migration agenda became much more frequent. In general, several trends can be observed in the V4 joint declarations on the migration agenda:

- The primary tool for defending V4's opposition to allocation mechanisms and restrictive measures, such as the closure of some parts of the Hungarian border, has become a protection of the integrity of the EU's external borders. Compliance with the obligations arising from specific sources of European law, particularly the Schengen Agreement and the Dublin Regulation, is integral to maintaining this integrity. The V4 states have spoken out against the closure of all internal borders within the EU Single Market and against the idea of creating a so-called Mini-Schengen, brought by the Dutch Presidency of the EU Council in 2016. The common position of the V4 in the post-crisis period unanimously supported the reform of the Dublin system (especially the Dublin III Regulation). However, unless new regulations are reached by consensus, which would adequately address the situation in the event of a repeated mass influx of migrants and asylum seekers, according to V4 leaders, the applicable legislation must be followed. According to the common position, any proposal to allocate refugees involving a sanction mechanism for possibly refusing to comply with the relocation mechanism is unacceptable.
- The V4 common positions supported the improvement of migration pressures by addressing the causes of migration in third countries outside the EU Single Market. In addition to addressing the root causes of migration by assisting in various forms (political, military or humanitarian) to Syria, Iraq and other countries in the Middle East and North Africa, the V4 also supports increased financial and technical support for countries of origin and transit. The common V4 vision to address the pressures also includes strengthening the European Border and Coast Guard (Frontex) mandate, the European Asylum Fingerprinting System (Eurodac), and building a strategic network of hotspots both in the EU and in third countries.
- The migration policies of the individual V4 states are incompatible with the open-door policy (for example, in Germany). The most crucial point of conflict has become any proposals for the redistribution of refugees on the principle of mandatory quotas. The V4 countries agreed on the need to create a single European solution adopted by the consensus of all EU Member States. Consensus is essential for the implementation of the EU agreement with Turkey, the adequate protection of the EU's external borders, the establishment of fully operational hotspots, the implementation of an effective return policy and better targeting of policies addressing the causes of migration (Szalai 2017).

Following the adoption of the EU Council Regulation on the introduction of temporary measures in the field of international protection (second relocation mechanism) in September 2015, the V4 was partially divided in terms of the intensity of individual states' opposition to the approved mechanism. The Slovak Republic and Hungary have brought actions against the temporary mechanism based on several procedural defects in adopting this legislation. The Czech Republic, despite the original vote against the adoption of the legislation, took a neutral position and distanced itself from the lawsuits mentioned above. The Polish government refused to intervene in the procedure before the Court. Poland intervened in support of Slovakia and Hungary, while seven Member States¹ supporting the new relocation mechanism entered the

¹Belgium, Germany, Greece, France, Italy, Luxembourg, and Sweden.

procedure in support of the EU Council. Almost two years after the adoption of controversial legislation, the Court of Justice of the EU rejected the lawsuits of Slovakia and Hungary in September 2017, making the redistribution of 160,000 first-line refugees (from Greece and Italy) legally binding (Court of Justice 2017).

According to the key approved in September 2015 for calculating quotas for individual EU member states, the V4 states were to receive approximately 12,000 refugees from Greece and Italy: Czech Republic - 2691, Hungary - 1294, Poland 7082 and the Slovak Republic 902. Hungarian and Polish governments unequivocally rejected the redistribution of refugees; the Czech Republic received 12 and the Slovak Republic 16 refugees. In 2017, the EC filed a lawsuit against three V4 states (except the Slovak Republic)² for non-compliance with an obligation arising from the Union law. The EU Court of Justice complied with the EC almost three years later in a judgment of 2 April 2020, ruling out national positions justifying the non-acceptance of the required number of refugees. The Czech Republic's opposing position was based on doubts about the functioning of the relocation mechanism based on a unilateral assessment of the state concerned. In Hungary and Poland's case, refugees' temporary relocation was refused based on Article 72 of the Treaty on the Functioning of the EU (TFEU) due to concerns about public order and national security threats. The judgment of the Court of Justice of the EU thus rejected all these defenses, thus at the same time ruling definitively on the violation of European law (Court of Justice of the EU 2020).

The outbreak of the migration crisis in Europe highlighted the lack of long-term experience of the V4 (with the partial exception of Poland) with a large influx of migrants. Theoretical concepts of migration and integration policies have thus proved insufficient for the situation since 2015. The common denominator of the opposition to the reception of migrants and the granting of asylum in the V4 region has become partly populist speeches by government elites, often linking migrants to terrorism and concerns about Islam in a region with a solid Christian history. Moreover, Hungarian Prime Minister V. Orbán has become an unwritten V4 leader with sharp rhetoric against the EU Migration and Asylum policy.

Table 1: Development of the Number of Asylum Applications in the V4 Countries Since 2012
(Source: Author's own work 2022)

	2012	2013	2014	2015	2016	2017	2018	2019	2020
Czech Republic	740	695	1145	1515	1475	1445	1690	1915	1160
Hungary	2155	1889	4277	17713	29430	3390	670	500	115
Poland	1075	1524	8020	12190	12305	5045	4110	4070	2785
Slovak Republic	730	440	330	330	145	1475	175	230	280
V4 sum	1437	3527	5227	19117	43355	11355	6645	6715	4340

²In addition to the reception of 16 refugees - mothers with children, the Slovak Republic, unlike the other V4 countries, has made other commitments to relocate refugees.

MIGRATION STRATEGIES OF THE VISEGRAD GROUP COUNTRIES: PERCEPTION VS. POLITICIZATION

Using Hungary as an example, we may see growing migratory pressures, notably in 2014-2016. In 2014, the Hungarian border with Serbia, which forms the EU's external border, became the entry point for tens of thousands of illegal migrants using the migration route through the Western Balkans to the EU Single Market (Frontex 2020). To alleviate migratory pressures and reduce illegal migration of third-country nationals who do not intend to seek asylum in Hungary, the Fidesz government has approved a proposal to build a 177 km long border fence on the southern border with Serbia. The construction of the border fence represents one of the most important milestones of the politically motivated xenophobic campaign of the Fidesz, initiated in early 2015 (Hungarian Helsinki Committee 2015). The legislation adopted included Serbia's inclusion in the list of safe countries, which at the time was at odds with the United Nations High Commissioner for Refugees (UNHCR) position.

Hungary's new asylum policy thus enabled the immediate rejection of asylum applications submitted by third-country nationals who reached the Hungarian border via the Western Balkans, referring to the obligation to apply for asylum in Serbia first. The controversial legislation that came into force in early August 2015 was also in breach of EU law (Hungarian Helsinki Committee 2015). While constructing the fence on the Hungarian-Serbian border, the government approved the construction of additional barriers on the border with Slovenia and Croatia. The EC also opposed the construction of the border fence between Hungary and Slovenia and challenged the Hungarian government to refrain from conduct that is contrary to the rules of operation of the Schengen system. In the end, constructing the border fence between Slovenia and Hungary was only temporary (Buckley and Spiegel 2015). In 2015, the Fidesz government launched a multi-media populist campaign against illegal migrants of Islamic origin in the country, invoking the protection of the Hungarian population and the Hungarian state border (Bauerová 2018). Hungary is one of the most homogeneous EU Member States regarding ethnicity. As many as 97% of the population is of Hungarian nationality (European Commission 2015).

Taking into account the Hungarian migration strategy adopted in 2013, which was approved without significant media coverage and public debates, the Hungarian government at the time called for the integration of immigrants for economic and demographic reasons (Juhász 2017). However, following the high influx of illegal migrants and asylum seekers into EU Member States after 2014, the strategy *de facto* lost its significance, and migratory pressures, together with Orbán Fidesz's populist campaign, led to the creation of additional fertile ground for xenophobic sentiment growth in the country. Since the end of the 1980s, Hungary has been continuously marked by growing trends in intolerance and xenophobic manifestations. While in 1992, xenophobic manifestations were present in 15% of the population, after the outbreak of the migration crisis, xenophobic temper was present in more than half of the population, according to surveys (Endre *et al.* 2016). Since 2013, the Hungarian government, led by V. Orbán, has not revised the country's migration strategy. The migration crisis was reflected in the adoption of controversial immigration laws, which led to the initiated infringement procedures against Hungary led by the EC (Court of Justice of the EU 2021).

Within the V4, the Slovak Republic is the EU Member State with the lowest long-term number of asylum applications. One of the lowest number of asylums granted over the past decades compared to other EU Member States, resulting from strict conditions for assessing applications. The Slovak Republic cannot be considered a destination country for migrants heading for the EU Single Market. Unlike Hungary, it was not a country of transit for third-country nationals heading to the western Member States. As in the case of Hungary, the Migration policy strategy of the Slovak Republic with a view to 2020 contains some strategic goals aimed at managing legal and illegal migration or the asylum process. It also includes international migration in the context of the Slovak Republic's membership in the EU, for the effective management of which active cooperation and mutual solidarity are essential in the Slovak interest (Migration policy of the Slovak Republic with a view to 2020, 2011). However, the outbreak of the migration crisis in 2015 resulted in significant differences between official strategy and political practice. The high influx of migrants and asylum seekers has become one of the main topics of discussion before the forthcoming parliamentary elections in early 2016. According to available surveys, the level of xenophobic sentiment in Slovakia in the pre-crisis period and at the time of the crisis can be compared mainly with Hungary and the Czech Republic, while concerns about increased migratory pressures in Europe have remained the most moderate in Poland (Freedom House 2016).

The governing coalition led by the largest left-wing Smer - Social Democracy party, led by R. Fico, unequivocally rejected the EC's proposals to redistribute refugees in May and September 2015. Slovak Prime Minister began to link illegal migrants heading for the EU Single Market with the threat of terrorism and the potential Islamization of society. Smer's negative opinions and election campaign consisting of references and a manifesto supporting the protection of the Slovak nation and its interests led to the repeated election win and another government coalition by R. Fico after March 2016 (Mihálik and Jankoľa 2016). In addition to Smer's rhetoric, the redistribution and reception of refugees have become part of several parties' nationwide debates and election campaigns. The election result has seen an increase in the political capital of several movements rejecting the EU's anticipated interim mechanisms until EU migration and asylum policies are reformed to ensure effective management of future migratory pressures in Europe (Dubéci 2016).

Shortly after the beginning of the term of the new Smer-SD coalition, the six-month presidency of Slovakia in the EU Council began in the second half of 2016. The main drivers of the presidency were the withdrawal of the United Kingdom of Great Britain from the EU and the EU Migration and Asylum policy. The rhetoric of the governing coalition began to moderate gradually after the elections, but the opposition to European migration management proposals persisted. During the ongoing presidency, the Slovak Republic introduced an effective solidarity mechanism representing an alternative solution to the migration crisis and its consequences. The Slovak proposal for resolving the migration crisis was based on a three-pillar strategy of measures according to the seriousness of the migratory pressures. In general, the proposal presented options for solidarity between EU Member States, in which standard refugee redistribution mechanisms could be replaced by other assistance most acceptable to individual Member States, aiming for financial and technical assistance (Euractiv 2016). The Slovak proposal was presented with the strong support of the V4 but did not reach a consensus on the

European level. In 2017, Slovakia's attitude towards the relocation of refugees began to differ slightly compared to other V4 countries. Despite the continuing refusal to meet the allocated refugee admission quota in the country, the Slovak Republic, as the only V4 country, presented the EC with an envisaged plan for future refugee reception, thus avoiding EC infringement procedure against the Czech Republic, Hungary and Poland in 2017 (Bauerová 2018). Unlike Hungary, the Slovak Republic adopted a new migration policy strategy with a view to 2025. Taking into account the adoption of the new document in late 2021, the strategy also focuses on emerging circumstances associated with the outbreak of pandemic and armed conflicts in third countries (Migration policy of the Slovak Republic with a view to 2025, 2021).

According to data from the Czech Statistical Office, the Czech Republic is ethnically homogeneous. Most foreigners living in the Czech Republic are unevenly distributed in several central regions, especially Prague (Statistical Office of the Czech Republic 2020). As in the case of Slovakia, the Czech Republic cannot be described as a destination for migrants heading for the EU Single Market from North Africa and the Middle East because of the outbreak of the migration crisis. Moreover, none of the main migration routes to the country's western and northern EU Member States. The increase in migration pressures after 2014 led the government coalition of B. Sobotka and the Czech Social Democratic Party to redefine the priorities of the Czech Republic's Migration Policy Strategy (Ministry of Interior of the Czech Republic 2015). The new document, which considers the unprecedented development of migration affecting the EU Single Market, was adopted in July 2015. Based on the document, the Czech migration policy intends to provide other adequate instruments of cooperation reflecting the solidarity of European countries. The official statements of government elites since 2015 have indeed begun to copy the content of the adopted document. In the statements of the Prime Minister of the Czech Republic concerning the solution to the migration crisis in Europe, it is possible to observe a slightly more moderate, pragmatic character in comparison with other countries of the V4 region. Despite repeated calls by the Czech government to change the mandatory status of relocation quotas to voluntary and calls by coalition partners of B. Sobotka, the Czech Republic did not join the lawsuits filed against the EC in 2015. Since 2015, Czech President M. Zeman has also begun to participate in the public debate and the formation of public opinion on the possibility of resolving the migration crisis. In critical statements about the solidarity required by the EC, he linked migrants and asylum seekers with the threat of Islamising society and the growth of terrorism in a secure and stable region (Nexera and Krčál 2018). B. Sobotka's government sent a clear message to Brussels in June 2017. After almost two years, the government decided to suspend the implementation of the temporary relocation of refugees adopted in 2015 due to the deteriorating security situation within the EU Single Market and the overall dysfunction of the mechanism that does not solve causes of migration of third-country nationals and thus began to face infringement procedure led by the EC (Ministry of Interior of the Czech Republic 2018).

After the parliamentary elections in 2017 and the formation of the first minority government of A. Babiš, the Czech Republic's opposition to the relocation mechanism, remained unchanged. From the initially allocated redistribution quota for refugees from Greece and Italy until 2017, the Czech Republic received (unlike Hungary and Poland) 12 Syrians from Greece.

In the period after its establishment, Babiš's cabinet did not present any new reception plan and constantly referred to the level of financial and technical assistance provided to selected EU Member States and called for the causes of migration in third countries to be addressed (Bauerová 2018). As in several EU Member States, the migration crisis has created a breeding ground for the growth of far-right movements in the Czech Republic. The growing support, which manifested itself, especially in the Czech regional and parliamentary elections in 2016 and 2017, reflected a significant level of Euroscepticism and growing xenophobic sentiments in the country (Freedom House 2016). Since 2015, the migration policy strategy of the Czech Republic has not been subject to revision and updating of new circumstances in recent years.

The issue of religion is an essential aspect that has a significant impact on Poland's Migration and Asylum policy. The Church and the intensity of the religion among the Polish population during the accession process and the period of the country's membership in the EU together influenced several opinions on selected European policies or obtaining opt-outs to the application of the Charter of Fundamental Rights. The religious issue has thus become an active criterion in assessing asylum applications during the growing migratory pressures after 2014. Poland was initially the only V4 state that did not vote against the first EC plan to redistribute refugees among individual EU Member States. Considering the number of registered asylum applications in the table above and the map of the main migration routes to western and northern EU Member States, it is evident that Poland, like its southern neighbors, was not a destination for migrants or refugees or a significant country of transit. Over the past decades, however, the originally purely emigrant state has become a state with an influx of immigrants from third countries exceeding the outflow of emigrants from Poland abroad (Pachocka 2016). Following the introduction of the relocation mechanism for Italy and Greece, the center-right coalition of the Civic Platform and the Polish People's Party adopted the first partially rejecting stance on the mandatory relocation of refugees just ahead of the 2015 parliamentary elections. The position of the former government, led by Prime Minister E. Kopacz, did not reject the overall participation of Poland in the relocation of refugees. The dissenting position was based primarily on the established resettlement criteria. An integral part of the reception of refugees in Poland has become the Christian origin of people, which has excluded many asylum seekers within the EU Single Market (Euractiv 2015). The issue of migration and asylum has become an essential topic of the election campaigns ahead of the forthcoming parliamentary elections in Poland. The overall change in Polish rhetoric and the unification of the V4's common rejecting position on the EC's proposals took place at the end of 2015 after the parliamentary elections, which brought victory to Law and Justice. The newly elected government opposed the relocation mechanisms and retroactively entered a dispute between the Slovak Republic and Hungary *vs.* EC as an intervener (Bauerová 2018). Thus, the Polish position has evolved after an unprecedented increase in migratory pressures. Given the political developments in the country after 2015, it has remained unchanged since the inauguration of Prime Minister B. Szydło's government.

In 2012, the previous Polish government led by Donald Tusk approved a strategic plan for Poland's migration policy (Ministry of Interior and Administration 2012). As in other V4 countries, the migration crisis has highlighted the differences between the content of the

strategy paper and the current political practice of government elites. Following the inauguration of the new government of Prime Minister B. Szydło, the document was annulled in October 2016 and, according to PiS, was to be replaced by a new strategy reflecting the interests of the new government. An integral part of the populist rhetoric of PiS, led by J. Kaczyński, was the statement against foreigners who had been accused of terrorism and attempted to Islamize Europe as part of a government discourse (Kindler 2018). After almost three years of preparing a new Migration and Asylum policy, the Polish proposal has been criticized by several Polish and European institutions. An essential part of the proposed strategy is the still strong position of the religious issue in treating the asylum seeker. The Islamic religion remains repeatedly associated with security threats, terrorism and fundamentalism.

Moreover, the proposal's anti-immigration rhetoric against Islamic refugees or illegal migrants is underlined by the fact that the proposal does not explicitly mention any other religion (European Commission 2019). A revised version of Poland's migration strategy, modified by some critical remarks, was finally adopted in July 2021. The strategy document Migration Policy of Poland - Directions of Activities 2021-2022 was adopted for two years solely due to the difficulties associated with the spread of the pandemic (not only) in Europe (Ministry of Interior and Administration 2021).

The Stalemate in the Reform of EU Migration and Asylum policy

To define measures eligible for all EU Member States as a counterweight to ad hoc migration and asylum management solutions within the EU Single Market, the EC presented a new vision for EU Migration and Asylum policy in September 2020. The New Pact on Migration and Asylum, together with the five main legislative proposals for reforming the EU's asylum policy, thus aims to replace previous solutions and attempts to unify Member States' EU Migration and Asylum policy, taking into account new challenges arising from the spread of Covid-19 pandemics and other turbulent events (e.g., at the EU's external borders with Belarus, the departure of allied troops from Afghanistan, etc.) which have repeatedly increased the influx of migrants or asylum seekers. The presentation of a new framework strategic non-legislative document has also led to a renewed recovery of the migration and asylum-related discourse in the V4 countries. Following the presentation of the document, the V4 leaders, accompanied by the representatives of Estonia and Slovenia, proceeded after more than three years to issue a joint statement summarizing the central reservations of the countries mentioned above to the proposed regulations. The common reservations concern, but are not limited to:

- Lack of an appropriate balance between the principles of responsibility and solidarity;
- Refugee distributions are solely based on the GDP and population of individual Member States;
- Mandatory nature of relocation and other forms of assistance in receiving migrants;
- Obligations to accept migrants whose return to their country of origin has not been successful within eight (in the event of a crisis four) months (Visegrad Group 2020).

The V4 leaders' statement can be seen as the first major case of coordination of common positions on EU Migration and Asylum policy in recent years. The leaders further agreed in the

statement, mainly on strengthening the external borders and the external dimension of migration and asylum management in detecting and addressing its causes directly in third countries. An important element of the declaration compared to the previous declarations was the intention to protect the public health of the citizens of the individual Member States.

Apart from the coordination of the common position in the form of the declaration mentioned above of the leaders and the meeting of ministers of the interior of the V4 countries in March 2021 on addressing migratory pressures at the external borders, the migration and asylum agenda has disappeared from the agenda of the V4 representatives in recent years.³

The latest demonstration of the consistency of the V4 countries' positions in the reform of the EU's Migration and Asylum policy took place at the end of 2021, when three of the countries voted against the establishment of a new EU Agency for Asylum to replace the temporary European Asylum Support Office, while the Czech Republic abstained (Council of the EU 2021). The common denominator of the V4 states' positions has become the preference for a package approach to the adoption of the reform, as opposed to the gradual adoption of reform legislation.

Migration and asylum remain a relatively active topics used in the national political discourse in the individual V4 countries. In contrast, Hungarian Prime Minister V. Orbán remains the region's prominent leader of the migration agenda. According to available polling studies (Bíró-Nágy 2021), the political jackpot in the form of a successful politicization of the migration crisis in Hungary significantly contributed to Fidesz's victories in the last parliamentary elections, and the government actively began to use migration in statements related to the spread of the Covid-19 pandemic. The first confirmed case in the country in March 2020 created a sufficient breeding ground for re-strengthening anti-immigration sentiments. On the contrary, migration has gradually disappeared from the Polish public discourse in recent years. Its return to the priority domestic policy topics did not occur even before the previous parliamentary or presidential elections (Kozłowska 2019). A significant revival of Migration and Asylum policy did not occur until the end of 2021 due to a rapid increase in migratory pressures, especially from the Middle East on the Polish-Belarusian border. The politicization of the migration crisis in the Czech Republic was characteristic of the pre-election political struggle both in the parliamentary elections in 2017 and in the election of the president a year later. As a counterpoint to pandemic management, EU Migration and Asylum policy have repeatedly returned to political discourse just before the October 2021 parliamentary elections, with former Prime Minister A. Babiš underlined the anti-immigration position on EU policies using two meetings with the Hungarian Prime Minister during one week in Budapest and Prague. As in the case of Poland, the topic of Migration and Asylum policy, apart from criticism of the New Pact on Migration and Asylum, gradually began to fade in Slovakia, and the rejection of mandatory quotas in the election campaigns before the last parliamentary elections in 2020 was very similar across the political spectrum.

The declining trend in the use of EU Migration and Asylum policy in the national political struggle is accompanied by a decline in public interest in migration issues, confirmed by opinion

³The negotiations at various levels on the New Pact during 2021 did not bring any significant progress, and the issue of reforming the EU's Migration and Asylum policy thus became one of several initiatives largely overshadowed by addressing the effects of the pandemic.

polls in EU Member States in recent years. According to standard 'autumn' Eurobarometers in recent years, the issue of migration has become the most critical issue in terms of EU and national policies in individual Member States in 2015 (European Commission 2016). Taking into account the V4 countries, the challenges arising from the growing influx of migrants were considered to be the most significant problem at the national level, especially among Czechs and Hungarians.

There have also been growing concerns about mass immigration in Poland and the Slovak Republic, but unemployment and economic trends have remained to be prioritized. Especially in the case of the two latter states, the topic of immigration disappeared a year later from the list of priority problems that the states, according to public opinion, faced at the national level, and its importance continued to decline over the following years. On the contrary, based on the results of the standard Eurobarometer, we observe that the influx of migrants was a slightly more sensitive topic of domestic policy in the Czech Republic. At the same time, Hungarian citizens advised migration among Hungary's main problems until the end of 2018.

In general, however, based on the results of the standard Eurobarometer, there have been more moderate concerns in recent years among the V4 population (especially compared to the southern Member States forming the EU's external border) about the importance of migration policies at the national level. Moreover, as in the case of many other Member States, events arising from the spread of the pandemic have led to a significant change in citizens' priority concerns on both national and EU levels. As in the case of several EU Member States, concerns about mass migration have been pushed away, at least until the current invasion of Ukraine began.

Table 2: Proportion of V4 and EU27 Nationals Identifying Immigration as One of the Two Main Public Problems at the National Level (Source: Author's own work 2022)

	2015	2016	2017	2018	2019	2020
Czech Republic	47	25	17	16	15	2
Hungary	34	30	28	21	14	7
Poland	17	11	13	9	5	4
Slovak Republic	19	10	11	9	6	4
EU27	36	26	25	23	17	7

THE OUTBREAK OF ARMED CONFLICT IN UKRAINE: VISEGRAD U-TURN ON MIGRATION?

On 24 February 2022, a new chapter of the modern international order in Europe began to be written. Since then, the ongoing conflict to the east of the EU has resulted in millions of Ukrainians leaving Ukraine immediately. Many European countries initially opposing any redistribution and reception of migrants during the second decade of the 21st century have thus become the countries receiving millions of Ukrainians, enabling them to enter the EU Single Market. According to the United Nations, 6.3 million Ukrainians have left their homeland between the outbreak of the conflict and 17 May 2022 (UNHCR 2022). More than 85% of them have entered the EU Single Market through Poland, Romania, Hungary and the Slovak Republic. The three V4 states alone have admitted more than 4.4 million Ukrainians to the Schengen area,

as a result of which the group is currently experiencing an unprecedented influx of third-country nationals. The pressures at the external borders were particularly noticeable in March when almost half of the aforementioned number of citizens left Ukraine (UNHCR 2022). As a result of the relentless influx of Ukrainians into the individual EU Member States forming the external border, the EU Member States began to call for solidarity and assistance from other Member States and the EU itself. The V4 countries, particularly Poland, which has received the largest number of refugees, are no exception.

Table 3: Total Refugee Influx from Ukraine in Neighboring Countries (24 February 2022 - 17 May 2022)
(Source: Author's work based on UNHCR data 2022)

	Number of Ukrainians Entering Neighbouring Countries
Poland	3,396,792
Romania	930,341
Russian Federation	863,086
Hungary	615,256
Republic of Moldova	465,435
Slovak Republic	426,605
Belarus	27,308

Based on the unprecedented expressions of solidarity in the V4 region and the provision of refuge to third-country nationals compared to the situation that arose in the middle of the last decade, the opposite rhetoric of government elites, including Hungary and Poland, was outlined. In the search for the causes of the different positions and changes in the rhetoric of the leaders of the V4 countries on the issue of opening the borders for people fleeing the conflict, several important explanatory aspects can be described:

- The composition of refugees from Ukraine differs significantly compared to the last decade's migration waves to Europe. The V4 states with a (strong) Christian tradition thus face an influx of refugees from a geographically close region characterized by much greater cultural and ethnic similarities. The structure of people entering the Schengen area is also different, as in recent months, according to available data, they have been almost exclusively women and children. According to several studies, cultural and ethnic proximity (often *de facto* linked to geographical proximity) is an important aspect of positive attitudes toward migration (Hainmueller and Hopkins 2014).
- The outbreak of the Russian invasion of Ukraine immediately became an event portrayed as a war against Europe. Thus, Russia ended a period of peace on the European continent, resulting in the war becoming a reality in the European Union's neighborhood. The proximity of the armed conflict in a geographically close region has thus contributed to the intensity of rapid aid and the opening of borders for refugees. An integral part of this aspect is the long-term state of bilateral relations of individual states of the grouping with the Russian Federation. Apart from V. Orbán, the governing elites of the V4 states have communicated their positions since the beginning of the invasion and supported all the sanctions packages against Russia without hesitation.

- The military dimension of the conflict and the intensively promoted heroism of the Ukrainian army, especially during the first weeks of the conflict, also played its role and, to some extent, influenced the moods in the individual V4 states. According to European polls, Ukraine's signal of national identity in the struggle for stability and security has reached out to the broad masses, including the conservative right-wing spectrum, which is traditionally skeptical of immigration (Pettrachin and Hadj-Abdou 2022).

Despite the high number of Ukrainians crossing the borders of Hungary, Poland and the Slovak Republic at the EU's eastern external border, it is currently unclear how many of them remain or plan to remain in the V4 countries, including the Czech Republic. Accession to the Schengen area results in partial loss of sight of the actual physical presence of refugees until individuals decide to address their presence in the EU administratively. The influx of Ukrainians to the individual V4 countries decreased by 60% during April and 80% during May (UNHCR 2022). At the same time, some of the earlier refugees are gradually returning to their country of origin. The media coverage and public attention paid to the external borders of individual EU Member States are gradually beginning to decline.

CONCLUSION

Even after the outbreak of the Covid-19 pandemic and the outbreak of the conflict to the east of the EU, the EU Migration and Asylum policy and its reform continues to be one of the few EU policies characterized by the consistent position of the V4 countries. The initial consensus and coordinated position of leaders since 2015 during the mass influx of migrants and asylum seekers from third countries remain recently coordinated, unlike many other European policies where the V4 countries do not promote shared national interests and visions of the EU competencies. After a partial decline of the migration and asylum agenda in the individual states of the grouping, at the beginning of 2022, the issue of mass migration returned to the main points of public discourse. This time, however, it takes on a different contour, as migrants and refugees have become much more related, as a result of which the reaction of individual V4 governments has been entirely different from the earlier reserved or opposing positions since 2015 despite the difficult socio-economic times of the past years. The migration strategies of the V4 countries have been revised only partially and are still miles away from some other European countries promoting the open-door welcoming policy. However, the Ukrainian crisis has undoubtedly provided a new impetus for further negotiations on a Common Migration and Asylum policy within the EU.

On the one hand, the resulting impulse can contribute to the acceleration of negotiations on the form of European policy, against which the individual V4 states have long held reserved or opposing positions. The redistribution of third-country nationals in the countries that make up the EU's external border and the improvement and transparency of the management of migration flows and their financing became an issue in the Eastern EU Member States after February 2022. In light of past events, this creates a promising space for addressing migration and asylum issues at the EU level, as the V4 countries finally also experience the lack of assistance from the EU Member States voluntarily.

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THE CHALLENGES TO WOMEN'S ENTREPRENEURIAL INVOLVEMENT IN THE HOSPITALITY INDUSTRY

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Abstract: *Entrepreneurship is one of the growing trends, and studies are focusing on it generally. However, this study is mainly focused on women's entrepreneurship. This study intends to measure the impact of work-family interference, socio-cultural support, access to finance entrepreneurial skills, and legal constraints on women's entrepreneurial involvement through the mediation of self-leadership in the hospitality and tourism sector. This study has chosen a quantitative approach, collecting data through surveys. The snowball sampling method was used for data collection from women of Pakistan, and data was analyzed through the PLS-SEM method. The result of the present study affirms that work-family interference, social and cultural support, and entrepreneurial skills are significantly associated with women's entrepreneurial involvement other than access to finance and legal constraints. Moreover, self-leadership significantly mediates between (work-family interference, socio-cultural support, and access to finance) and women's entrepreneurial involvement except for entrepreneurial skills and legal constraints. The present study's findings affirm that formal or informal institutions influence women's entrepreneurial involvement. This study may help women entrepreneurs understand the factors and policymakers to make policies for women entrepreneurs in the hospitality sector.*

Keywords: *Entrepreneurship; Entrepreneurial Intention; Women Entrepreneurs; Self-Leadership*

INTRODUCTION

The concept of women's entrepreneurship is an emergent area of research globally and has gained tremendous importance in the last couple of decades (Varghese 2021). The woman entrepreneur is well-defined as a woman who uses her expertise, resources, and knowledge to create a new enterprise by facing problems and hardships until gaining financial benefit from her business (Gërguri-Rashiti and Rotabi 2021). Female entrepreneurs make a critical contribution to providing businesses, investment, poverty reduction, schooling, human development, well-being, and development of countries, specifically in non-industrialized nations (Ranabahu and Tanima 2021). Pakistan is a developing country with an estimated

population of 193.6 million, while 49% comprises women. The overall unemployment rate in Pakistan is more than 5.9%, while the estimated rate of unemployed women is 9% (Isa *et al.* 2022).

Accordingly, Asif *et al.* (2015) stated that unemployment is the leading cause of poverty and numerous difficulties at the domestic level. In Pakistan, women face a high-pitched unemployment rate compared to men. In this way, there is a critical need to uncover the developing rate of female business visionaries in Pakistan (Sajjad *et al.* 2020). Unfortunately, women entrepreneurs are overlooked to be supported to start their businesses and cannot contribute to Pakistan's economy (Khan, Salamzadeh, Shah, and Hussain 2021). The service sector, in general, and tourism and hospitality specifically, have been among the most eye-catching area for entrepreneurs. At the same time, hospitality and tourism entrepreneurship involves a high degree of uncertainty and risk due to the unfamiliar market. However, the multi challenges in hospitality and tourism faced by women entrepreneurs are still unnoticed in the literature (Bachri *et al.* 2022). Despite the significant role of women in Pakistan, they still face many challenges and hurdles that can limit them from participating in hospitality and tourism entrepreneurship because less attention has been given to women entrepreneurs due to the complex socio-cultural factors and uncooperative family structure (Okolie *et al.* 2021). The role of women in a traditional and male-dominated society, gender discrimination, and inequalities have been the focus of discussion (Roomi, Rehman, and Henry 2018).

Another boundary that women may confront is the lack of entrepreneurial skills to form their businesses (Ghouse, Durrah, and McElwee 2021). Generally, they might be moderately inexperienced in the area where they wish to make their enterprise (Chhabra, Raghunathan, and Rao 2020). It might be difficult for women to get productive business on the off chance that these outcomes in weak knowledge and skills might be difficult (Rosca, Agarwal, and Brem 2020). Moreover, the literature suggests that finance is key to running any business (Ayyagari *et al.* 2021). Women stated that they face a hurdle in receiving credits from financial organizations because the processes are extremely difficult for loan provision (Kim and Cho 2020).

Mainly, Pakistanis are considered a dominant male culture, and in terms of business loan procedures, women are treated poorly by financial organizations. The behavior of bankers and consultants must support providing a loan to follow the procedures (Ali *et al.* 2018). Moreover, another hurdle is legal constraints for women entrepreneurs in Pakistan; the preparation of policies regarding the law is not satisfactory in the escalation of business opportunities for women. Afza *et al.* (2010) proposed the necessity of constructing such an environmental system where female rights would not violate. Moreover, there are no maternity compensations with pay for women as employees (Ali 2013).

Furthermore, traditional women's professions such as parlor, boutiques, and handmade crafting indicate they have fewer chances for coaching and development. Unskilled women are quiet operating commonly in lower ranks with lesser salaries as compared to men (Tlaiss 2015). However, in Pakistan, women entrepreneurs without quality skills are raised a severe problem, which is the leading cause of low participation in business activities (Khan *et al.* 2021).

Moreover, the literature reveals that self-leadership behavior facilitates in implementation of policies on gender (Yenilmez 2018). Self-leadership is defined as "the practice

of intentionally influencing your thinking, feeling, and action towards your objective(s)" (Matahela 2022).

The role of self-leadership is not well documented in the literature in the context of women's entrepreneurial involvement (Ho and Nesbit 2018). Therefore, self-leadership approaches enhance entrepreneurial growth for both women and men. However, outcomes of earlier studies stated that men entrepreneurs are more self-achieved in their goals compared to women in terms of implementation of strategies in the organization (Bendell, Sullivan, and Marvel 2019). This indicates that due to many hurdles, women lack motivation, which is the underlying reason behind this difference/gap (Manzoor 2015).

Additionally, the entrepreneurial ecosystem seems to affect self-leadership practices when the leader is open to change. Young leaders become more willing to make changes and are more interested in innovation (Festa and Knotts 2021), as the earlier literature indicates that environmental factors are significantly associated with learning and adopting new techniques (Khalid *et al.* 2021). Further, younger entrepreneurs are less nervous about new learning abilities than older entrepreneurs; less anxiety is significantly related to a great readiness to try new and innovative things.

Thus, entrepreneurship research is still neglected in the hospitality and tourism industry. The recent literature signifies the role of self-leadership in entrepreneurs. The present study intends to test the role of these factors and other factors in women's entrepreneurial involvement in hospitality and tourism (Raza *et al.* 2021). This study's novelty is to examine the elements that affect women's entrepreneurial involvement, especially work-family interference, social and cultural support, legal constraints, access to finance, and entrepreneurial skills. Therefore, these elements significantly impact women entrepreneurs' development of their businesses. Moreover, the recent literature indicates that self-leadership significantly explains the association between factors influencing women's entrepreneurial involvement (Khalid *et al.* 2021). Hence, the intervention investigation of self-leadership is required due to women's lack of self-confidence and self-motivation. This study examined the mediating role among elements such as work-family interference, socio-cultural support, access to finance, legal constraints, entrepreneurial skills, and women's entrepreneurial involvement. Additionally, exploring the perspective of women entrepreneurs in hospitality and tourism can contribute to the better design the facilitating environment.

LITERATURE REVIEW

Women Entrepreneurial Involvement

Women's entrepreneurship plays a significant role in the growth of business models and is also a valuable mechanism for economic growth that enhances employment in the country (Tjondro *et al.* 2022). Women entrepreneurs are a group of women who initiate and engage themselves to run businesses (Tryphone and Mkenda 2022). According to the literature, new approaches explore the development of women's entrepreneurship, concluding that women entrepreneurs have an important role in business growth. However, women's participation in entrepreneurship is still low (Aparicio *et al.* 2022). Therefore, developing women's

entrepreneurial behavior is a key part of the discussion for the policymakers, experts, and researchers exploring the key challenges and practical solutions to enhance women's entrepreneurship in developing countries (Ng *et al.* 2022). Worldwide, the estimated number of women is 252 million running their enterprises, but women's entrepreneurial participation is lower than men's (Sahira and Surangi 2022). However, America, Australia, Africa, Latin America, the Caribbean, and Europe region has many women entrepreneurs and male entrepreneurs (Dávila and Lluch 2022).

Comparatively, Asian developing countries are also participating in the growth of women's entrepreneurship and empowering them in society. However, some developing countries have low GDPs and low potential for expanding women's enterprises in their countries (Tambunan 2009). According to Sinhal (2005) found that less than 10% of women entrepreneurs in South Asia, comprising Maldives, Bhutan, India, Nepal, Sri Lanka, Bangladesh, and Pakistan (Dhameja *et al.* 2002; Finnegan 2000; Giovannelli *et al.* 2003; Goheer 2003; Kantor 2001; Sasikumar 2000; Seymour 2001; Sharma and Dhameja 2002; Sinha 2003). Therefore, in developing countries, especially in Pakistan, the women entrepreneurship rate is 1% compared to the 21% of male entrepreneurs. It is essential to explore and grasp the factors limiting them to encouraging entrepreneurial activity participation (Khan 2020).

Challenging Factors for Women Entrepreneurs

Women entrepreneurship confronts the challenges such as lack of social support, work-family conflict, inadequate entrepreneurial education, low access to finance, lack of motivation, and fear of failure conditions (Epezagne Assamala *et al.* 2022). Moreover, the literature shows that low capital, gender discrimination, lack of knowledge, barriers to available training programs, sales, and marketing skills, and absence of managerial experience and technical support are significant barriers for women entrepreneurs. However, personal qualities, marketing and management skills, hard work, and support by the family or spouse are the critical reason for the success of women in entrepreneurship (Afroze *et al.* 2014). Along with this, Pakistan is a developing country, and social transformation is slower than worldwide in the improvement of women. It is observed that Pakistan's close culture forces women to be powerless in decision-making, male domination, unbalanced work and family, lack of job opportunities, and social immobility (Khan 2020).

According to Ali (2016), the family has a significant role in the business, but a lack of family support and marital life may limit the women in achieving the desired success. Although sometimes it is hard for females to balance their professional and personal lives independently (Raza *et al.* 2020). As a women's responsibility, families expect that they are responsible for taking care of their house and children; these are disparities that women are less involved in business than men.

Multicultural nature and social and cultural support play a central role in establishing the organization in the hospitality and tourism sector. Traditional values and beliefs influence the actions that could influence self-employment opportunities (Auth and Peukert 2022). From a socio-culture perspective, gender discrimination is a critical factor in Pakistan, and cultured ideas related to gender and business limit the ability of females to collect technological, financial, and

social resources (Brush *et al.* 2006). Moreover, the lack of entrepreneurial skills is another main element that restricts women entrepreneurs; females are unaware of the information and skills to manage entrepreneurial activities (Rosca, Agarwal, and Brem 2020).

Another difficulty is the lack of access to finance; few financial institutions may not give attention to women enterprises in helping the credit opportunities and procedures. The behaviors of bankers and business experts should be helpful regarding financial resources (Ali 2016). Further, the gender-oriented gap and absence of legal information are considered barriers that may not be cooperative for women entrepreneurs. In legal matters, women cannot claim their rights from their husbands or fathers and depend on their male partners for legal requirements (Salahuddin *et al.* 2021).

On the other hand, the work performance of females is not investigated, and there is no evidence for the higher and lower performance presented by the male-oriented work under women entrepreneurs due to the absence of confidence and lack of self-assessment to achieve the objective. Therefore, gender discrimination can be affected by female administrative management and self-management skills, and leadership styles still need to be explored (Visser and van Scheers 2018). In leadership styles, self-leadership is one of the critical factors that can enhance the lives of entrepreneurs and their businesses by leading themselves, as believed to lead the other by driving oneself (Ho and Nesbit 2018). This study examines the different factors that limited women's entrepreneurial involvement; hence, this study has the following propositions:

H1: Work-family interference significantly influences women's entrepreneurial involvement.

H2: Socio-cultural support significantly influences women's entrepreneurial involvement.

H3: Entrepreneurial skills significantly influence women's entrepreneurial involvement.

H4: Access to finance significantly influences women's entrepreneurial involvement.

H5: Legal constraints significantly influence women's entrepreneurial involvement.

H6: Self-leadership significantly influences women's entrepreneurial involvement.

Relationship between Challenges for Women Entrepreneurs and Self-Leadership

Nowadays, realizing where to focus on self-leadership inside organizations could be a key driver of Entrepreneurs' development procedure (Ziyae and Heydari 2016). Self-leadership is defining objectives and gaining admittance to the potential capacities of human resources (Shatzer *et al.* 2014). Self-leadership incorporates intellectual and behavioral approaches that positively influence self-efficacy (Walumbwa *et al.* 2011).

Therefore, self-leadership is characterized as an efficient procedure of strategies through which people can influence themselves toward high performance and development. The three systems related to self-leadership incorporate behavioral strategies, regular reward strategies, and constructive thinking patterns (Neck and Manz 2010).

This research examines individual discrimination that may influence the use of self-leadership strategies. These changing situations require employees to accept additional responsibility and perform better, for example, by utilizing self-leadership strategies. This investigation also revealed that females in this context were more likely than men to utilize behavior-focused, natural rewards, constructive thought, and general self-leadership strategies

(Norris 2008). In a study, Fry (2003) highlighted that self-leadership increases the expectancy and dependability in attaining the vision and objectives of enterprises.

However, self-leadership is a necessary attribute to becoming a successful person. Personality characteristics commonly happen by the close to social and educational institutes and homes, enabling individuals to accept the qualities-based way to deal with self-lead improvement (Cristofaro and Giardino 2020). Therefore, this study has proposed that:

H7: Work-family interference significantly influences self-leadership.

H8: Socio-cultural support significantly influences self-leadership.

H9: Entrepreneurial skills significantly influence self-leadership.

H10: Access to finance significantly influences self-leadership.

H11: Legal constraints significantly influence self-leadership.

Mediating Role of Self-Leadership

The most common subthemes created from the female members' stories were assurance to succeed, decision-making, risk-taking, and self-confidence. Most female members stressed how significant courage was for them to stroll confidently (Aljowaie 2016). Evidence proposes that women in leadership positions confront an alternate reality from their male partners because of organizational, individual, and social difficulties that may repress their leadership achievement (Al-Ahmadi 2011).

Given the appraisal, training for businesspeople is customized to give the fundamental development in innovative self-leadership and super-leadership. This development in abilities should improve entrepreneurs' skills and adequately manage work-related difficulties (Georgianna 2015). Expanded females' financial strengthening and better gender equality concerning leaderships are actual segments of a more extensive gender initiative to define arrangements for better, more pleasant, and more grounded development in as of now created and as yet creating nations alike. Of course, when women are put in unique positions, it rouses other women as they look to imitate them by getting leadership roles (Yenilmez 2018). Women do not have enough awareness about law information and legal rights. Women cannot claim property without their families or husband. Women depend on other male participants to fulfill the legal practices. Policymakers and other authorities interpret the legal requirements differently (Afza *et al.* 2010).

Conversely, female workers are regularly associated with supporting generally and must bear increasingly home duties (Zhang *et al.* 2021). As it clashes with traditionally held desires for female actions, women may be less likely to engage in self-leadership activities.

This research adds to the research community, which shows that self-leadership is an essential persuasive building in an organizational sense. There was no cross-cutting distinction between Chinese men and women in the consistency of the mediated effects of self-leadership. Subsequently, it is recommended to apply the findings of this examination to other social contexts (Ho and Nesbit 2018). This study examines the mediating effect of self-leadership in the context of Pakistan; therefore, this study has proposed the following:

H12: Self-leadership significantly mediates the relationship between work-family interference and women's entrepreneurial involvement.

H13: Self-leadership significantly mediates the relationship between Socio-Cultural support and women's entrepreneurial involvement.

H14: Self-leadership significantly mediates the relationship between Entrepreneurial Skills and women's entrepreneurial involvement.

H15: Self-leadership significantly mediates the relationship between access to finance and women's entrepreneurial involvement.

H16: Self-leadership significantly mediates the relationship between Legal Constraints and women's entrepreneurial involvement.

THE SOCIAL LEARNING THEORY

This study based on the social learning theory proposed by Bandura (1977), highlights the importance of observing, modeling, attitude, and emotional reaction of others. He stated:

Learning can be complicated and risky if individuals depend entirely on their activities to illuminate what to do. However, most human behavior is found observationally through displaying: from noticing others, one structure thought of how new behaviors are performed, and on later events, this coded data fills in as a guide for activity (Bandura 1977, 191).

The theory of social learning defines human behavior in terms of lasting collaboration between psychological, social, and environmental influences. Part of the compulsory observation education measures are: (1) attention, significant opportunities and observing characteristics, cognition set, (2) retaining, representative coding (3) motor reproduction, fundamental skills, self-perception of multiplication, input accuracy, and (4) motivation, including external, satanic and self-support. Because it involves thinking, memory, and motivation, the theory of social learning promotes psychology and behavior.

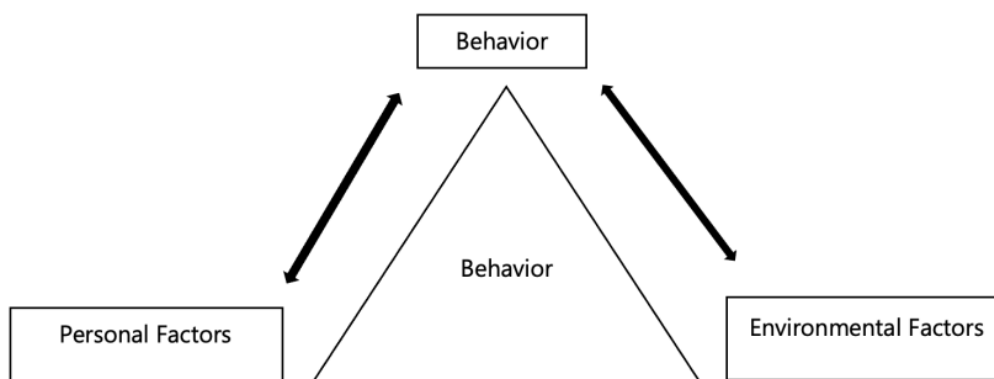


Figure 1: Social Learning Theory (Source: Bandura 1977)

The social learning theory is utilized to identify the behavior of women entrepreneurs. This theory helps to examine the Different barriers in the environment which influence women entrepreneurs. It addresses the regulatory, social, financial, economic, and behavioral problems of women entrepreneurs in the environment. This study utilizes the theory to identify the impact

of personal factors such as self-leadership on women's behavior in entrepreneurship. This theory benefits from identifying the impact of environmental factors on women's behavior in entrepreneurship through self-leadership. Many researchers used this theory to understand the impact of environmental and personal factors on behavior in women entrepreneurship ((Dharmaratne 2013; Neumeyer *et al.* 2019; Olsson and Bernhard 2020; Sucheta Agarwal Usha Lenka 2016; Wannamakok and Chang 2020).

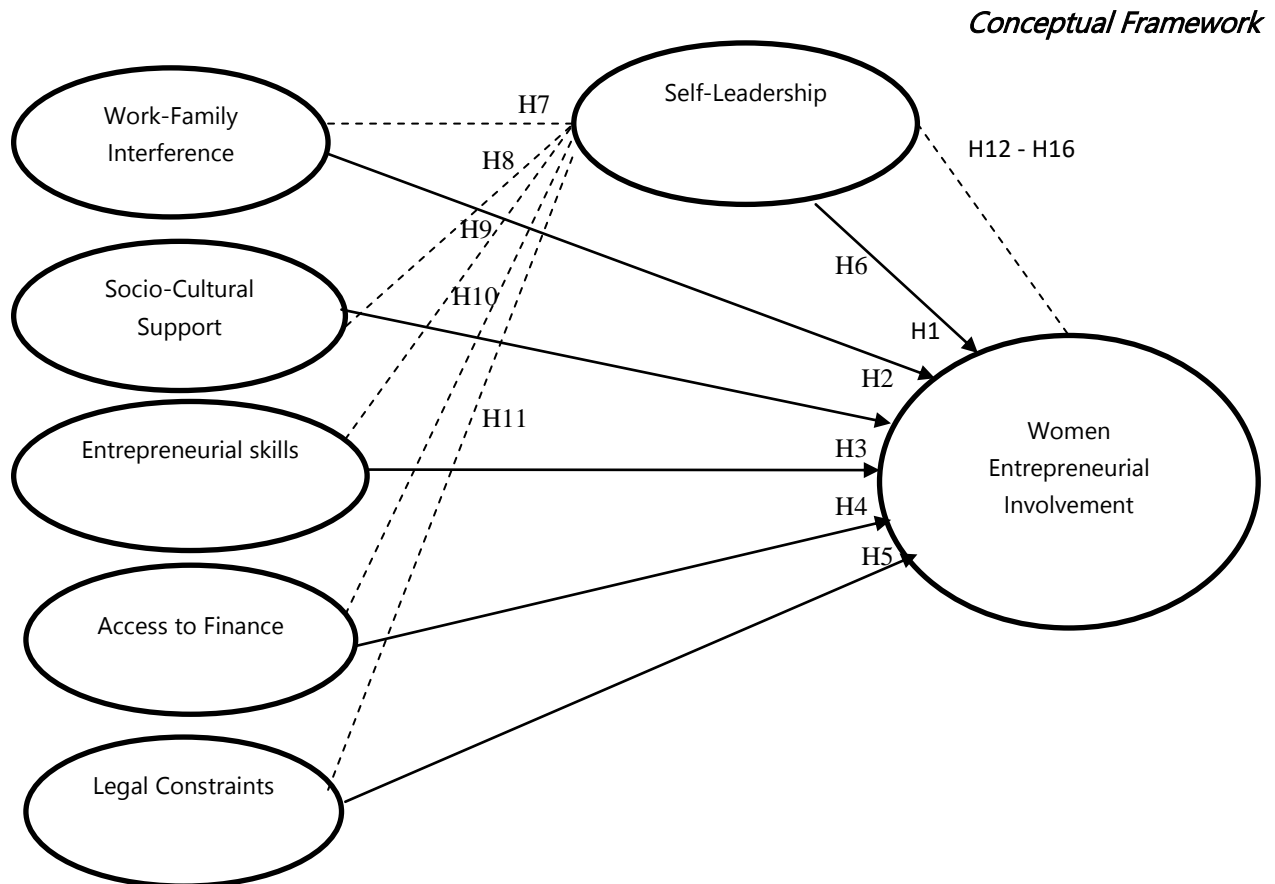


Figure 2: Proposed Conceptual Model of Study (Source: Authors' depiction 2022)

METHODOLOGY

This study used the quantitative approach to examine the construct by data collection. The data was gathered by women entrepreneurs from the service sector, particularly hospitality and tourism, through the snowball sampling technique. The target population chose women entrepreneurs from three cities in Pakistan.

The questionnaire survey was used to collect the data from women entrepreneurs. The measure of the questionnaire item five-point Likert scale (1=Strong agree to 5=strongly disagree) considered the best measurement tool to reduce the frustration level of respondents. 620 questionnaires were distributed to respondents, 414 questionnaires were returned, and 372 questionnaires were finalized for data analysis with a 60% response rate.

This study examines the influence of variables (work-family interference, socio-cultural support, entrepreneurial skill, access to finance, legal constraints, and self-leadership on women's entrepreneurial involvement). This study also investigates the mediating effect of self-leadership between work-family interference, culture and social support, entrepreneurial skill, access to finance, legal constraints, and women's entrepreneurial involvement. The study adopted the measurement scale of work-family interference from the study of Zeidan and Bahrami (2011). The socio-cultural support was measured by 5 items adapted from the study of Alhabidi (2013). The measurement scale of entrepreneurial skills is taken from the study of Kavuli (2014) and consists of 5 items. Access to finance is measured with 5 items adapted from the study of Zeidan and Bahrami (2011). The scale of legal constraints is taken from the study of Sadi and Al-Ghazali (2010), and it has 5 items. The self-leadership was measured by 5 items adapted from the study of Crossen (2015). The women's entrepreneurial involvement was measured by 5 items adapted from the study of Farah (2014).

DATA ANALYSIS

The present study employed the structural equation modeling technique using SmartPLS4, considered most appropriate and suitable for the measurement and structural model assessment and documented as a silver bullet (Hair *et al.* 2020). The present study will assess the measurement model based on convergent and discriminant validity. In contrast, the structural model will be assessed based on hypothesis testing considering the 95% confidence interval.

Demographics

The study shows the demographics analysis containing age, marital status, education, and business. 81 respondents are single, or 22%; 156 are married, or 42%; 79 are divorced or 21%; and 56 are widows or 15%. Moreover, 93 respondents had an age range of 18-25 with 25%, 73 were 26-35 years with 20%, 59 were 36-45 years with 16%, 91 had 46-55 years of age with 24%, and 56 were above 55 years with 15%. Furthermore, 59 have a high school degree with 16%, 87 have a diploma with 23%, 93 have a bachelor's level or 25%, and 133 have a higher education or 36%. A total of 372 questionnaires were spread, of which 211 respondents belonged to the hospitality industry, which counts for 56%, and 161 respondents belonged to the tourism industry, which counts for 43% of the total.

Figure 3 indicates 7 (seven) variables of the framework used in this study. These variables comprise work-family interference (WFI), socio-cultural support (SCS), entrepreneurial skills (ES), access to finance (AF), legal constraints (LC), self-leadership (SL), and women's entrepreneurial involvement (WEI). This study shows that work-family interference, socio-cultural support, entrepreneurial skills, access to finance, and legal constraints, act as independent variables, self-leadership as a mediating role, and women's entrepreneurial involvement as a dependent variable.

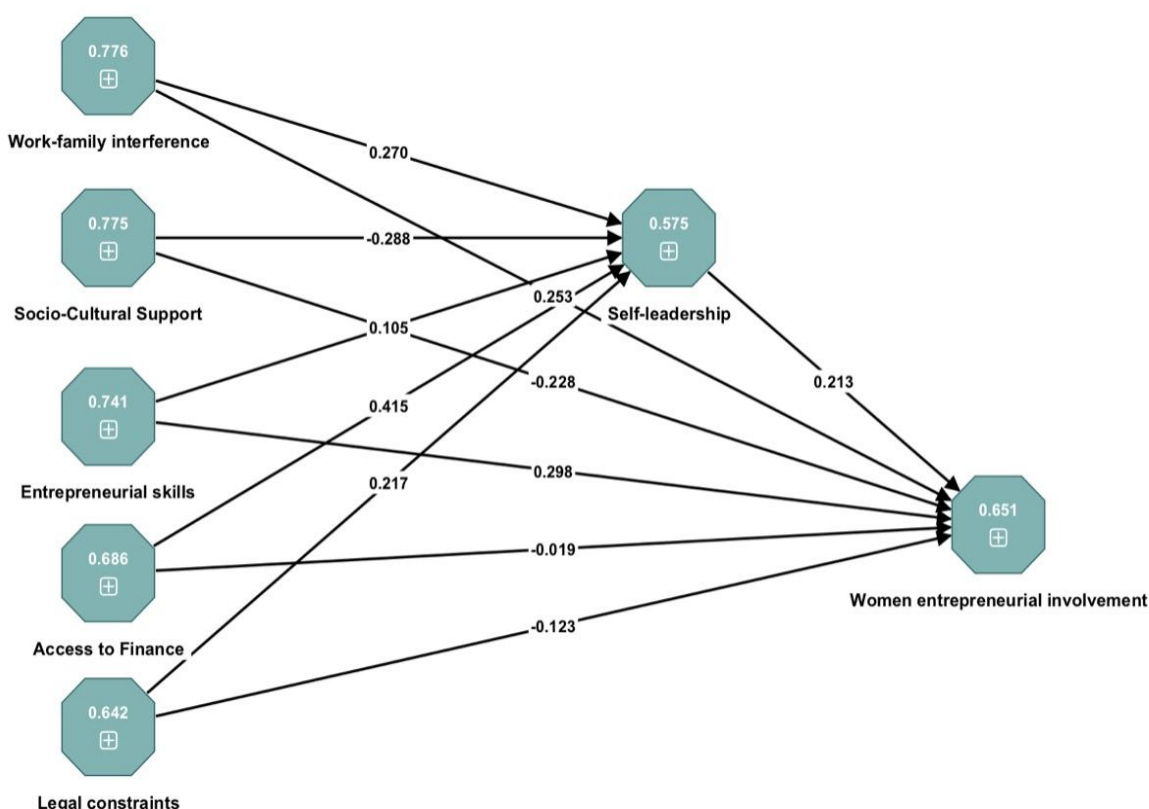


Figure 3: Measurement Model (Source: Authors' depiction 2022)

Table 1: Reliability of Constructs (Source: Authors' calculations 2022)

	Cronbach's Alpha	rho_A	Composite Reliability	Average Variance Extracted (AVE)
Access to Finance	0.886	0.895	0.916	0.686
Entrepreneurial Skills	0.921	1.156	0.935	0.741
Legal Constraints	0.882	0.926	0.898	0.642
Women Entrepreneurial Involvement	0.866	0.868	0.903	0.651
Self-Leadership	0.800	0.799	0.867	0.575
Socio-Cultural Support	0.928	0.950	0.945	0.775
Work-Family Interference	0.928	0.933	0.945	0.776

Table 1 indicates the reliability and convergent validity of the constructs used to evaluate the measurement model. The reliability of the construct was measured from Cronbach's alpha, composite reliability and rho_A (Hair *et al.* 2020). The value of Cronbach's alpha, rho_A, composite reliability should be greater than 0.70. Furthermore, the average variance extracted (AVE) should be greater than 0.50. According to the study, all values of Cronbach's alpha, rho_A and CR and AVE were greater than the threshold value.

Table 2: Outer Loadings (Source: Authors' calculations 2022)

	AF	SCS	ES	LC	WEI	SL	WFI
AF1	0.850						
AF2	0.817						
AF3	0.837						
AF4	0.845						
AF5	0.790						
SCS1		0.853					
SCS2		0.881					
SCS3		0.887					
SCS4		0.909					
SCS5		0.869					
ES1			0.814				
ES2			0.920				
ES3			0.875				
ES4			0.856				
ES5			0.835				
LC1				0.737			
LC2				0.773			
LC3				0.888			
LC4				0.917			
LC5							
WEI1					0.817		
WEI2					0.840		
WEI3					0.719		
WEI4					0.820		
WEI5					0.832		
SL1						0.787	
SL2						0.832	
SL3						0.793	
SL4						0.459	
SL5						0.852	
WFI1							0.849
WFI2							0.904
WFI3							0.854
WFI4							0.919
WFI5							0.876

Table 2 presents the outer loading of the constructs, and the outer loading value should be <0.708 to attain valid and reliable outcomes. Therefore, reliability and validity values are established on the outer loading values (Hair *et al.* 2017). However, the present study has items less than the threshold but were not omitted because there were no validity and reliability issues.

Discriminant Validity

Table 3: Fornell-Larcker Criterion (Source: Authors' calculations 2022)

	AF	ES	LC	WEI	SL	SCS	WFI
AF	0.828						
ES	0.230	0.861					
LC	0.308	0.758	0.801				
WEI	0.032	0.038	-0.106	0.807			
SL	0.420	0.132	0.138	0.288	0.759		
SCS	0.282	0.668	0.837	-0.180	0.028	0.880	
WFI	-0.016	-0.151	-0.166	0.329	0.267	-0.194	0.881

The discriminant validity was assessed by Fornell and Larcker criteria. Table 3 shows that the Fornell and Larcker criteria are defined as the square root of AVE in every latent variable should be more than other correlation values among the latent variables. In this study, the values of Fornell and Larcker meet the criteria (Hair *et al.* 2020).

Table 4: Quality Criteria (Source: Authors' calculations 2022)

	R-Square	R-Square Adjusted
Women Entrepreneurial Involvement	0.209	0.196
Self-Leadership	0.282	0.272

Table 4 displays the strong and weak relationship that means variation in output variables described by the input variables. In this study, WEI has an R-square value of 0.209 and an R-square adjusted of 0.196. While the SL of the R-square value is 0.282 and the adjusted R-square is 0.272.

Table 5: Direct Effect (Source: Authors' calculations 2022)

	Original Sample (O)	T statistics (O/STDEV)	P values
Access To finance ->Women Entrepreneurial Involvement	0.069	1.344	0.179
Access To finance -> Self-Leadership	0.415	6.198	0.000
Entrepreneurial Skills ->Women Entrepreneurial Involvement	0.320	3.252	0.001
Entrepreneurial Skills -> Self-Leadership	0.105	1.113	0.266
Legal Constraints ->Women Entrepreneurial Involvement	-0.076	0.720	0.472
Legal Constraints -> Self-Leadership	0.217	2.307	0.021
Self-Leadership ->Women Entrepreneurial Involvement	0.213	3.362	0.001
Socio-Cultural Support ->Women Entrepreneurial Involvement	-0.289	3.510	0.000

Socio-Cultural Support -> Self-Leadership	-0.288	3.431	0.001
Work-Family interference -> Women Entrepreneurial Involvement	0.310	5.615	0.000
Work-Family interference -> Self-Leadership	0.270	4.879	0.000

Table 6: Indirect Effects (Source: Authors' calculations 2022)

	Original Sample (O)	T Statistics	P Values
Access To finance -> Self-Leadership -> Women's Entrepreneurial Involvement	0.088	3.364	0.001
Entrepreneurial Skills -> Self-Leadership -> Women Entrepreneurial Involvement	0.022	0.963	0.336
Work-Family interference -> Self-Leadership -> Women Entrepreneurial Involvement	0.057	2.485	0.013
Socio-Cultural Support -> Self-Leadership -> Women Entrepreneurial Involvement	-0.061	2.321	0.020
Legal Constraints -> Self-Leadership -> Women Entrepreneurial Involvement	0.046	1.838	0.066

Table 5 shows that direct effect between constructs and Table 7 shows the indirect effects between constructs. Beta values show the relationship between construct, and t-values should be above 1.96 as the P value should be less than 0.05, which shows the significant relationship between variables.

The results found that work-family interference has positively associated with women's entrepreneurial involvement ($\beta=0.310$, $t=5.615$, $p=0.000$). So, H1 is accepted; work-family interference significantly influences women's entrepreneurial involvement.

The study's results discovered that socio-cultural support negatively and significantly influences women's entrepreneurial involvement ($\beta=-0.289$, $t=3.510$, $p=0.000$); therefore, H2 is accepted that cultural and social support significantly influences women's entrepreneurial involvement.

The study found that entrepreneurial skills positively relate to women's entrepreneurial involvement ($\beta=-0.320$, $t=3.252$, $p=0.001$); therefore, the H3 is accepted; entrepreneurial skills significantly influence women's entrepreneurial involvement.

Access to finance relates to women's entrepreneurial involvement ($\beta=0.069$, $t=1.344$, $p=0.179$). The H4 is rejected; therefore, access to finance significantly influences women's entrepreneurial involvement. Moreover, the study has found that legal constraints have an insignificant effect on women's entrepreneurial involvement ($\beta=-0.076$, $t=0.720$, $p=0.472$). The H5 is rejected; therefore, legal constraints significantly influence women's entrepreneurial involvement. The study revealed that self-leadership positively and significantly impacts women's entrepreneurial involvement. So, the H6 is accepted; therefore, self-Leadership significantly influences women's entrepreneurial involvement.

Further, by the study findings, work-family interference has a positive and significant effect on women's entrepreneurial involvement ($\beta=-0.270$, $t=4.879$, $p=0.000$). The H7 accepted that work-family interference significantly influences self-leadership. The present study's findings show that socio-cultural support negatively and significantly affects self-leadership ($\beta=-0.288$

$t=3.431$ $p=0.001$). The H8 accepted that cultural and social support significantly influences self-leadership. Entrepreneurial skills have little relation with self-leadership ($\beta=-0.105$ $t=1.113$ $p=0.266$). The H9 rejected that entrepreneurial skills significantly influence self-leadership. Moreover, access to finance was found to have a significant relationship with self-leadership ($\beta=-0.415$ $t=6.198$ $p=0.000$). The H10 accepted that access to finance significantly influences self-leadership.

The legal constraints have a significant effect on self-leadership. The H11 is accepted that legal constraints significantly influence self-leadership.

Moreover, the study indicates that work-family interference and women's entrepreneurial involvement are significantly mediated by self-leadership ($\beta=0.057$, $t=2.485$, $p=0.013$). The H12 is accepted that self-leadership significantly mediates the relationship between work-family interference and women's entrepreneurial involvement, along with socio-cultural support and women's entrepreneurial involvement significantly mediated by self-leadership ($\beta=-0.061$, $t=2.321$, $p=0.020$). The H13 is accepted that self-leadership significantly mediates the relationship between cultural and social support and women's entrepreneurial involvement. The study found that entrepreneurial skills and women's entrepreneurial involvement were not mediated by self-leadership ($\beta=-0.022$, $t=0.963$, $p=0.336$). The H14 is rejected; therefore, self-leadership significantly mediates the relationship between entrepreneurial skills and women's entrepreneurial involvement. The access to finance and the women's entrepreneurial involvement are mediated by self-leadership ($\beta=-0.882$, $t=3.364$, $p=0.001$). The H15 is accepted; therefore, self-leadership significantly mediates the relationship between access to finance and women's entrepreneurial involvement. The legal constraints and the women's entrepreneurial involvement are not mediated by self-leadership ($\beta=-0.046$, $t=1.838$, $p=0.066$). The H16 is rejected; therefore, self-leadership significantly mediates the relationship between legal constraints and women's entrepreneurial involvement.

CONCLUSION

In challenging circumstances, women lack the confidence to run their businesses. Through the elimination of male dominance, women can establish ownership in the business. As well as, the execution of gender-based equality increases the self-leadership of women; they have higher intentions to adopt self-leadership practices. These practices increase the decision-making power to solve managerial problems and lead to innovative entrepreneurial formation regarding economic growth as the lack of women's entrepreneurial involvement in tourism and hospitality is increasing. Therefore, this paper gives new insights into the literature by providing a well-organized conceptual model of women's entrepreneurial involvement. The results also introduce the implications to practice and provide future direction for researchers.

This study explained the importance of women entrepreneurs in Pakistan and related challenges. This study will help identify the major contributors to achieving women's entrepreneurial involvement. The significant contributors identified are work-family interference, socio-cultural support, access to finance, entrepreneurial skills, legal constraints and self-leadership. The self-leadership can have a mediation effect between the challenges and the women's entrepreneurial involvement. This way, the consequences of the study may give a

worthwhile contribution to the administration and the women's straightforward approach making bodies and organizations like the National Commission on the Status of Women of Pakistan find a way to improve the state of present and hopeful female entrepreneurship in tourism and hospitality sector of Pakistan. This study helps determine what aspects would effectively capture women's entrepreneurial aspirations in Pakistan. It will also help investigate the elements of women's inspirations to set up claim organizations in a socially restricted, religiously traditionalist environment and their struggle to become entrepreneurs in a male-ruled social setup that is explicit to Pakistani society and culture.

Recommendations and Future Direction

The government and civil society can provide adequate legal and financial structures to encourage more women to start businesses in Pakistan's hospitality sector independently. This study highlights gender equality in social, political, and religious content, academic texts, media, and public policy. It can help change women's stereotypical societal image, encourage family support, and help women vent into and manage the business. Also, tribal and religious taboos on women's mobility outside their homes must be publicly contested and demolished. Social media can play an essential role by portraying an egalitarian image of a 'Muslim woman' who has a right equal to her male counterpart to acquire knowledge through education, own property, and manage her own business. Government initiatives may reinforce flexible banking policies, especially for women. Public-private partnerships can be one possible way forward to achieve that aim. Future studies can use existing concepts along with feminist theories in the area of entrepreneurship. Therefore, there is a need to construct business models for women for their business growth. Moreover, future studies can discover the linkage between educational achievement, class, and income with women's business enterprises in a macro context. Adopting entrepreneurship in young women can also help to examine the entrepreneurial behavior of young females from distinctive cultural perspectives.

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THE DYNAMICS OF DEMOCRATIZATION AND THE IMPLICATIONS ON THAILAND'S FOREIGN POLICY

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Abstract: *As Thailand undergoes a long democratization process, significant barriers to the country's consolidation of democracy include reserved domains and tutelary powers. While states are usually treated as homogenous units in understanding their behaviors in the international arena, the internal processes are important determinants of states' actions. Therefore, the swings in the embeddedness of Thai reserved domains and tutelary powers can shape the domestic constraints that governmental actors face in foreign policy formulations. In this paper, the Thai democratization trajectory was investigated in a comparative study to trace the changes in the prevalence of reserved domains and tutelary powers in different periods. Then, through an exploration into Thailand's foreign policy decisions that the country enacted towards the major powers and the neighboring countries in the Cold War and the post-Cold War periods, these foreign policy actions were scrutinized in connection to the dynamic of the decision-making apparatus of the time. The information was compiled through official papers, government statements, newspapers, and scholarly literature. The paper demonstrates that when tutelary powers and reserved domains are highly embedded in the policy-making structure, and conflicting standpoints on a foreign policy decision are presented, the outcomes of the policy-making process will lean towards the camp advocated by the non-democratic actors.*

Keywords: *Democratization; Foreign Policy; Reserved Domain; Tutelary Power*

INTRODUCTION

While states are usually treated as black boxes in understanding their behaviors within the international arena, the internal processes influencing a state's actions cannot be dismissed. In the case of Thailand, the country has long been drifting within the democratization process. The substantial roadblocks to democracy include reserved domains that are specific areas of government authority removed from elected officials' purview and tutelary powers, which constitute nonelected elites who can exercise policy-making decisions. Accordingly, the ebbs and flows of the Thai reserved domains and tutelary powers can shape the domestic constraints that governmental actors face in formulating foreign policy. Firstly, this paper's analytical framework explains the entanglement of reserved domains and tutelary powers in the consolidation of democracy and the application of domestic politics to the understanding of foreign policy-making. Secondly, the paper employs a comparative study to investigate the rise and fall in the prevalence of reserved domains and tutelary powers in different chronological

periods. Thirdly, the paper provides a descriptive elaboration of different foreign policy decisions of the Thai government towards the major powers and neighboring countries during the Cold War and the post-Cold War periods when conflicting standpoints are presented in the policy-making apparatus. The cases include the shift in Thailand's approach towards the United States and China during the democratic interlude in the 1970s, the Thai government's permission to allow the entry of Nobel Peace Prize laureates in the 1990s, the Thai engagement in the conflict with Cambodia in the 2000s, and the Thai decision to construct the high-speed railway in connection with China's Belt Road Initiative in the 2010s. The information for this research relied on primary and secondary sources: official papers, government statements, English-language and Thai-language newspapers, and scholarly literature. Overall, the research provides empirical evidence regarding Thailand's understanding of the relationship between democratization and foreign policy.

ANALYTICAL FRAMEWORK

While democratization or regime transition towards democracy necessarily demands the existence of elections, elections alone are not a sufficient condition for a democratic state. For instance, in 'Toward Consolidated Democracies', Linz and Stepan (1996) separate consolidated democracy into three dimensions measured behaviorally, attitudinally, and constitutionally which demand the conditions of free and lively civil society, autonomous political society, usable bureaucracy, the effective rule of law and institutionalized economic society (Linz and Stepan 1996, 15-18). Valenzuela (1992) describes that "reserved domains remove specific areas of governmental authority and substantive policy-making from the purview of elected officials" (p. 70). Additionally, tutelary powers exist when "those who win the government-forming elections are placed in state power and policy-making positions that are subordinate to those of nonelected elites" (p. 63). With reserved domains and tutelary powers, the consolidation of democracy is deficient, especially in terms of behavioral consolidation, illustrated in the work of Linz and Stepan (1996). That is because, in a democratic regime, no actor shall attempt or act in ways to achieve their objective by creating a non-democratic environment.

Moreover, in 'Embedded and Defective Democracies', liberal democracies comprise partial regimes of democracy located within the sphere of external enabling conditions. One of the essential partial regimes of democracy includes the guarantee of effective power to govern. Regarding reserved domains, Wolfgang Merkel (2004) states,

[T]his criterion prevents extra-constitutional actors not subject to democratic accountability, like the military or other powerful actors, from holding decision-making power in certain policy domains. Specifically, this refers to so-called reserved policy domains, areas over which the government and parliament do not possess sufficient decision-making authority, as well as the specific problem of insufficient control over the military and the police. It is crucial for the concept of embedded democracy that the effective power to govern lies in the hands of democratically elected representatives (p. 41).

Furthermore, Merkel (2004) stipulates various causes of defective democracies, which provide opportunities for critical actors to behave undemocratically. While the combination of causes is ultimately responsible for the emergence of defective democracies, to account for the prevalence or resilience of tutelary powers and reserved domains, the interplay during the transition towards democracy concerning the elites is deemed crucial. As seen in the seminal works on democratic transitions, such as those of Dankwart Rustow or of O'Donnell, Schmitter, and Whitehead, democratic transitions are considered mainly to be ushered forward by or as a product of elite interactions. Rustow (1970) notes that while the interplay of many factors instigates democratization, only a small circle of elites tends to play a disproportionate role in negotiating the terms of the process. In 'Transitions from Authoritarian Rule', O'Donnell, Schmitter, and Whitehead (1986) analyze contending political elites' choices and strategic interactions to form political pacts conducive to democracy. While the elites can be perceived as playing essential roles in initiating the transition, the country's democratic process can also be stalled by the interference of its elite groups. As Georg Sorensen (2008) states, "such groups as the military, traditional economic elites, and leading politicians may insist that the transition toward democracy includes acceptance of a set of agreements or political pacts that define vital areas of interest for the elites" (p. 70). In other words, in places where the existing elites accompany the country's transition, the democratization process can be dictated by the minorities who were able to assume tutelary roles, exercise political power and ensure that their interests are not affected in the new and more open arena.

In connection to foreign policy-making, studies into the unit-level characteristics of the states are increasingly recurrent in academic purviews of international affairs. As the focus on opening the states' black boxes to explain the engagements in international affairs began to bloom in the past four decades, the domestic political factors are among the various unit-level characteristics featured. They encompass the regime types, domestic institutional structures, and politics in the policy-making process that are believed to shape the countries' foreign policy. For instance, in the work of Doyle (1983), the democratic regime type constitutes institutional constraints through institutionalized rules and procedures that cause unilateral decisions by the leaders to be difficult and forestall the government from engaging in violent foreign policy actions.

With regards to domestic institutional structures, Robert Putnam's (1988) 'Diplomacy and Domestic Politics: The Logic of Two-Level Game' is an influential work that presents states' international affairs as two coinciding games that link the deals between international actors to the domestic political constraints to which the chief negotiator must also respond. Bueno de Mesquita and Smith (2012) also elaborate that decision-makers face varying pressures based on the states' political structures, which underscore different levels of accountability. Likewise, governments that have autonomy from democratic accountability measures such as the legislative process, elections, or performance monitors can encounter fewer limits to the government's foreign policy decisions than democratic or democratizing states (Park, Ko, and Kim 1994).

In consideration of domestic opposition, the opposition's strength and intensity impact the states' foreign policy behavior, as presented in Hagan's (1993) work that specifies the influence of political party opposition on a government's control over policy processes.

Furthermore, while the executive branch tends to be more visible in foreign policy matters considered high politics, the study by Kaarbo and associates (2017) amplifies the fact that the parliament, especially in parliamentary democracies, can be an important constraint for a government's foreign policy decision-making. Additionally, public opinions play roles in foreign policy choices as governments consider the options compatible with the citizens' views and the impact on domestic political contentions (Risse-Kappen 1991).

Lastly, the foreign policy-making processes in the domestic realm are also spotlighted through the conceptual model of governmental politics, derived from Graham Allison's (1971) archetypal work, 'Essence of Decision: Explaining the Cuban Missile Crisis'. The model rests on the assumption that the structure of the state's decision-making model constitutes various individuals and organizations. According to Allison and Halperin (1972), as states are not homogenous units in international affairs, the model identifies the domestic actors who may differ in interests. The resultant foreign policy is the product of the domestic players with diverse advantages and disadvantages navigating through the state's explicit and implicit rules in the action channel of policy-making. While the model pivots on the actors in the executive branch, Jones (2007) argues that the decision-making process also includes non-executive actors in influencing foreign policy outcomes.

THE EBBS AND FLOWS OF THAILAND'S DEMOCRATIZATION

Especially in the latter half of the twentieth century, the world witnessed an unprecedented embracing of democratic ideals around the globe. However, as in the case of Thailand, the expectations regarding the achievements of liberal democracy have not been reached. The problem is evidence of the country's lack of substantial requisites for the consolidation of democracy. Of these substantial requisites, the major concern in this paper is the persistent existence of tutelary powers and reserved domains. Evidently, after the country's transformation into a constitutional monarchy, the Thai route toward the consolidation of democracy was accompanied by existing elites, with the military being prominent among them. This meant that the democratization process was to be dictated by those minorities who could assume tutelary roles, exercise political power, and ensure that the political unfolding did not jeopardize their interests.

With the end of the absolute monarchy in 1932 and the wavering transition to constitutional monarchy, by 1948, Field Marshal Plaek Pibulsongkram took control of the government. As the country was subsumed under the military's dominance, the military establishment was able to instill influence through comprehensive clientelist networks. For instance, during Field Marshal Sarit Thanarat's regime (1958-1963), as infrastructural projects were encouraged, the limited bureaucratic reach allowed local actors with good connections to the administration to expand their resources, ensuring their pervasive roots in the provinces. Moreover, due to the history of discriminatory treatment towards Chinese businesses in Thailand that continued into the 1970s, patron-client ties between the Sino-Thai entrepreneurs and government officials were firmly established. Albeit constrained, the Sino-Thai businesses enjoyed the financial protection provided by the bureaucrat patrons while the patrons reaped gains from the advancement of their clients (Phongpaichit and Baker 2000).

While the military also gained legitimacy as protectors that preserved the nation from communist encroachments during the Cold War, beginning in the 1970s, many political shifts in Thailand were evident. A brief and fragile democratic experiment transpired after the military government was overthrown in 1973. At this time, there were lower levels of reserved domain dominated by the military, as seen in the Senate, where the military reserved only 17% of seats between 1975 and 1976 compared to 72.5% in 1969 (Chambers 2009, 9-10). Then, in 1979, a 'semi-democracy' or a parliamentary government headed by a military prime minister emerged and lingered until 1988. As Paul Chambers (2010) states, "such a system offered the bare trappings of democracy while guaranteeing military supremacy in non-regal elite positions of power" (p. 67). Furthermore, while Chatichai Choonhavan was elected in 1988, Chambers (2010) maintains that tight connections remained between the members of parliament and the armed forces. This allowed the military to continue influencing the political realm and the government's fate.

In the 1990s, an increase in civilian control over the Thai political arena can be seen. The structural influences of the economic boom under the Thai 'Developmental State' and financial liberalization and the ending of the Cold War unleashed the new civilian vigor that opposed the military authority. This is discernable in the violent uprising known as Black May in 1992, by which the military was forced from power after instigating a coup to bring back authoritarianism the year before. Then, after 1997, mainly due to the effect of the financial crisis, the constitution known as the 'People's constitution', which allowed for unprecedented arrays of political participation, was pushed forward. The Thai parliament was to become strongly bicameral, with the wholly elected Senate having more authoritative functions and influences upon a series of institutions to countermand the government (Ginsburg 2009). Simultaneously, the Thai Rak Thai (TRT) party could enter the political scene momentarily. The resourceful party headed by Thaksin Shinawatra was able to attract a wide range of voters and revamp the clientelist networks into a grand coalition. Additionally, the TRT absorbed a decisive number of senators into orbit (Chambers 2009).

In this period, Thailand experienced a further decrease in the military's position in the representative body with the apex of civilian control over public policy formulations. During the gradual democratic transition in the 1990s, there were plans to amend military spending and increase transparency within the military organization. In terms of control over internal security, Thailand has long established the Internal Security Operation Command (ISOC) and Thaksin was able to place the TRT's military allies to oversee and influence the command. However, the centralization of the command to the Office of the Prime Minister was not formally restructured before the overthrow of the prime minister. While Thaksin succeeded in instilling greater control and reducing the military budget, it was later halted, and the organization's restructuring has since faced bureaucratic resistance and administrative disagreements (Chambers 2010).

As the dominant party held sway, the conservatives, including the minority urban middle class and the military with their continued stranglehold over their own autonomy, thus regressed and supported the 2006 coup d'état and inaugurated the 2007 Constitution with their continued stranglehold over their autonomy. Along with the new constitution, the Senate's composition had been altered to be half-elected and half-appointed. At the same time, their influences upon other governmental supervisory institutions are maintained, if not augmented.

As described by Chambers (2010), “following senatorial elections in early 2008, 15.3% of the entire 76 elected/74 appointed Senate is now composed of retired military officials to make this an indirect reserved domain” (p. 72). Moreover, the judiciary is deemed to be politicized after the 2006 coup to support the conservative alliance, which can be seen in the Constitutional Court’s removals of subsequent prime ministers and the banning of political parties that represented the conservatives’ opponents (McCargo 2014).

Through these developments, Thai politics was polarized, and the people chose to act outside the realm of the state and on the streets. Therefore, the army orchestrated another coup d’état in 2014, after which Thailand experienced military rule from 2014 to 2019, and a pro-junta constitution was enacted in 2017. After the 2019 General Election, the new constitution allows the nomination of an unelected prime minister and a fully appointed Senate body directly and indirectly chosen by the junta. The proportion of the Senate equals one-half the number of the House of Representatives members. This allows the Senate to act as a veto and serve as an influential organ that retains its powers over governmental supervisory institutions like the Ombudsman, the National Corruption Commission, the Election Commission of Thailand, the Supreme Administrative Court, and the Constitutional Court.

Moreover, to demonstrate the pressure of the reserved domains and tutelary powers, the Election Commission that was chosen by the junta altered the election formula calculation immediately after the General Election. The act served to resist the establishment of anti-junta coalitions and promote the ascension of Palang Pracharath, the military proxy party. Then, the appointed Senate voted in favor of the pro-military coalition to rubber stamp General Prayut Chan-o-cha’s position as the unelected Prime Minister (Jones and Agarwal 2021).

EMPIRICAL CASES OF THAILAND’S FOREIGN POLICY-MAKING

The instances of Thailand’s relations with the major powers and neighboring countries can provide empirical cases that showcase the implications of the interplay of politics on Thailand’s foreign policy. The first empirical evidence is that which occurred during the shift in the foreign policy-making apparatus in the 1970s. Concerning the major powers, specifically the United States of America (USA) and the People’s Republic of China (PRC), while Thailand employs a hedging strategy that combines elements of cooperation and deterrence, the Thai foreign policy presented periods in which the country swung more or less towards one or the other. In the early atmosphere of the Cold War, there was an anti-communist consensus in the Thai foreign policy-making process as the military leadership worked under the orbit of the USA against the Soviet Union and the PRC (Randolph 1986). In the late 1960s, the Thai Foreign Minister Thanat Khoman attempted such overtures towards the PRC as sending Thai representatives to Guangzhou, but the stance to gear away from the USA later, in fact, jeopardized the foreign minister’s position. Formal relations with China were not established as the military administration feared the Chinese influence. While the military leaders could sense the decline of American attention towards Thailand, they were adamant that the close relationship with the United States was key to the country’s security (Bamrungsuk 1988). Also, Lydia S. na Ranong (1975) illustrates that:

The presence of foreign troops on Thai soil, especially in times of peace, never found favor with the Thai people. However, the subject was silenced publicly by equating it to anti-Americanism. Thus, anti-SEATO (South-East Asia Treaty Organization) or anti-American meant pro-communist, which was, and still is, an offense punishable by a jail sentence (p. 196).

With the turn of the decade of the 1970s, the intermission from the military rule that followed the student uprising on 14 October 1973 made possible the shift in the Thai foreign policy towards the major powers. The emergence of civilian governments and the popular pressures that equated US presence to the power behind the military leadership led to the drawing back of Thai cooperation with the USA. For instance, the national policy announcement of Prime Minister Kukrit Pramoj in 1975 declared that there would be active steps to withdraw foreign troops from Thailand (Pramoj 1975, 201). Despite the Mayaguez incident in which the military went against the government and allowed the US marines into U-Tapao, the lower level of influence of the reserved domain was evident as the incident was followed by the Thai government's recall of the Thai Ambassador posted in the US. The withdrawal plan of American troops was completed by 20 July 1976 (Randolph 1986, 189-190). Concurrently, the normalization of relations with the PRC also made progress with Deputy Foreign Minister Chatichai Choonhavan's first official visit to China in December 1973 and the establishment of diplomatic relations in the year 1975 (Hewison 2017, 4).

The illustration, of which there is contention in standpoints concerning the time when the reserved domain and tutelary power were curtailed, can also be observed in the 1990s. While the period exhibited the country's political instability by having gone through eight different prime ministers in a decade, the military had retreated to the barracks. Coinciding with the strengthening of the Thai civil society and the international environment at the end of the Cold War, as visible in the elected Chuan Leekpai's administrations (1992-1994 and 1997-2001), the advocacy for democratic values was presented by the government. This was reiterated in the Democrat Party's commitment and various government pronouncements (Busabarat 2020). A major incident of political contention was demonstrated when Prime Minister Chuan Leekpai permitted a group of Nobel Peace Prize laureates to enter the country to campaign and lend support for the release of Myanmar's pro-democracy leader, Aung San Suu Kyi. Among the figures was Dalai Lama, the exiled Tibetan spiritual leader, who had previously been refused entry to Thailand in 1984, 1987, and 1990 (Buszynski 1994, 734). The authorization came despite the Chinese pressure on the Thai government to cancel the invitation (United Press International 1993). Concurrent with the pressure, conflict arose between the government and the military, especially as the army wanted to maintain the special relationship with the PRC due to the Chinese past assistance to Thailand during the Vietnamese occupation of Cambodia and the sales of tanks and artillery from China at friendship prices (Lu 1993). Significantly, there was also a dispute concerning Myanmar. The military did not want to jeopardize the bilateral relationship with Myanmar, which was insulated by the cordial ties between the military elites of both countries (Ganesan 2006).

During the visit, Buszynski (1994) notes that apart from the ban on the Dalai Lama's appearance on the army-owned television channel, the opposition did not pose a major obstacle. And, Surachart Bamrungsuk (2001) elaborates:

The military sent a message of disagreement to the government. But when the cabinet announced its decision, the army stopped speaking. This was a good sign for Thai democratization. The military could voice its opinion so long as it did not threaten to overthrow the government. And the military agreed to stop voicing its opposition when the cabinet made its final decision- indicating a certain degree of civilian control over the military and military professionalism (p. 81).

In fact, regarding Myanmar, Chuan Leekpai's second administration (1997-2001) continued to display a hardening of Thailand's foreign policy stance towards Myanmar's military government. As Surin Pitsuwan, the administration's foreign minister, expressed, foreign policy was an extension of domestic policy, and democratic values were enshrined in the government's foreign policy outlook (Busabarat 2020, 691). Along with Surin's critical vocalization towards Myanmar's government, the government was also outspoken in its position for flexible engagement in ASEAN that would allow for the open discussion of other countries' domestic affairs. Nevertheless, with the arrival of an administration highly consolidated by the domination of the party of Thaksin Shinawatra, the government's business-oriented approach led to the resumption of a more accommodating stance and the emphasis on maintaining cordial relations with Myanmar (Ganesan 2006).

On another note, a substantial impact on Thai foreign policy can be demonstrated by the shift in the Thai political structure after the 2006 coup, which impelled the ascent of the reserved domain and tutelary power. The Thai foreign policy towards Cambodia serves as the most salient evidence. While the International Court of Justice (ICJ) ruled in 1962 that the Preah Vihear Temple is under the sovereignty of Cambodia, the maps held by Cambodia and Thailand are different. As Cambodia adheres to the Annex I map, and Thailand respects the borderline indicated in the Thai 1962 Cabinet Resolution, an area of 4.6 square kilometers surrounding the temple is left unsettled. Notably, since Chatichai Choonhavan's administration (1988-1990), cooperation began to blossom between the two countries and the Thai-Cambodian Joint Commission on the Demarcation for Land Boundary (JBC) was established, and a Memorandum of Understanding (MOU) was signed, in the years 1997 and 2000, respectively. The agreements commit the states to recognize that the disputed area around the Preah Vihear Temple shall be ensued by border negotiations through joint surveys and demarcation that account for relevant documents adhered to by both countries (Ministry of Foreign Affairs 2011). When Cambodia nominated the temple to the World Heritage Committee (WHC), it included the area claimed by Thailand and precipitated the signing of the Joint Communiqué between Thai Foreign Minister Noppadon Pattama and Cambodian Deputy Prime Minister Sok An in the year 2008. The communiqué stipulates Thailand's agreement to support the inscription of the Preah Vihear Temple while Cambodia agreed to withhold the attachment of the disputed area in the proposal as the management plan to the controversial area shall be done with the involvement of the two parties (An, Pattama, and Riviere 2008).

Nevertheless, a resurgence of conflict between the two states resulted in armed clashes and the return to the ICJ. The anti-Thaksin coalition deemed the joint communiqué as an act of handing over the Thai ownership of the territory to Cambodia. The nationalistic perception maintained that the only rightful borderline of the area was the one indicated in the Thai 1962 Cabinet Resolution and that Thailand also had the right to reclaim the Preah Vihear Temple (Pawakapan 2013). As aforementioned, the period of the post-2006 *coup d'état* ushered in the new constitution with more entrenched reserved domains and tutelary powers for the anti-Thaksin actors. Also, as Dressel (2010) articulates: "the activism of the Thai judiciary can thus be seen as a proxy for the larger battle for political hegemony. Judges have become critical to the elite project of consolidating the post-coup political order" (p. 686). Henceforth, seen as Thaksin's proxy, Samak Sundaravej's government's cooperative effort to sign the joint communiqué was restrained by the Administrative Court (Matichon 2008). Then, despite the Ministry of Foreign Affairs' affirmation that the communiqué was not a treaty after half of the senators and the opposition party filed a petition with the Constitutional Court, the Court ruled the joint communiqué as a treaty that may alter Thailand's territory. Consequently, the communiqué would require parliamentary approval that had not been acquired. Therefore, the act was considered a constitutional violation, and later the foreign minister was indicted for malfeasance in office by the National Corruption Commission (Pawakapan 2013).

Furthermore, even when the opposition Democrat Party took office after the Constitutional Court ruled against Samak and dissolved the People's Power Party (TRT's successor party) under Somchai Wongsawat, the role of the reserved domain continued to be visible. After the deadly clashes at the border in 2011, the Association of Southeast Asian Nations (ASEAN) was obliged by the United Nations Security Council to mediate the conflict. Thus, the government stance was presented when the Thai foreign minister agreed that Indonesian observers would be allowed to monitor the disputed area (Tansubhapol and Chuensuksawadi 2011). However, due to the steadfast objection by the Thai military, further talks for the Indonesian observers were deadlocked, and the agreement was not acted upon (International Crisis Group 2011).

Lastly, the high-speed railway (HSR) project presents another case of Thailand's pursuit of interstate relations impacted by the country's domestic politics. The HSR prospective was initiated between Thailand and China in 2010, which is projected to enhance ASEAN connectivity and is a part of China's Belt Road Initiative (BRI) (Subboonrueng and Sirirat 2020). While the achievement of the MOU with China was first largely undermined by the interparty conflict and fragile parliamentary coalition of the government of Abhisit Vejjajiva, the prevalence of reserved domains and tutelary powers served as a major roadblock to the Yingluck Shinawatra government's attempt to jump-start the project. As Yingluck, Thaksin's younger sibling, won a landslide victory in the 2011 General Election, the infrastructure investment of the HSR to connect Bangkok to Nakhon Ratchasima, Chiang Mai, and Hua Hin served as part of the party's campaign platform (Szep and Petty 2011). Instead of the joint venture with China that the Democrats government intended, Yingluck's government proposed a loan bill worth 68 billion US dollars to finance the infrastructure construction and planned to open an international tender. The loan bill received parliamentary approval in September 2013 due to the vast number of seats the government held in the parliament.

Nevertheless, the parliamentary approval of the loan bill was met with counteractions from the conservative forces as the Democrat Party, and anti-Thaksin senators filed a petition against the loan bill with the Constitutional Court (Aiyara 2019). In 2014, the Constitutional Court ruled that the bill was unconstitutional due to a breach in the parliamentary voting process and that the loan bill could only be authorized in the case of emergency. The Court did not regard infrastructure development as an emergency (The Momentum 2017). Trin Aiyara (2019) elaborates on this:

The sabotage of the Yingluck government's loan bill to finance the railway project showed that the Court controlled and demarcated the behaviors of the elected government. The Constitutional Court, as part of the 'deep state', was used to preserve the power of the conservative coalition and inhibit electoral politics (p. 339).

In contrast to this, after the coup d'état in 2014, the junta's National Council of Peace and Order (NCPO) reviewed the project and signed an agreement with the PRC for China to build a standard-gauge track from Nongkhai to Map Ta Phut deep-sea port in Rayong and from Kaeng Khoi to Bangkok (Bangkok Post 2014). However, further negotiations with China were not fruitful, and progress was stagnant in issues such as land rights, procurements of public projects, shareholding proportions, construction plans, and the employment of Chinese staff in Thailand. With pressure from China, which included Thailand's non-invitation to the Belt and Road Summit in Beijing and to overcome legal issues that were blocking the commencement of the project, Prime Minister Prayut invoked Section 44 of the 2014 Interim Constitution that gave the NCPO absolute authority from any legal constraints (Bangkok Post 2017). As Prayut has been quoted expressing to the legislative assembly: "I have lost my face so many times, and we [Thailand] could not conclude the deal. I will exercise my prerogative on this railway project. It must be started within this year" (Busabarat 2017, 7).

Furthermore, while the construction has until today remained sluggish, the bolstering of the Prayut government's foreign policy to accommodate China since the 2014 Coup continues to be observable. This can be seen in the case of the COVID-19 global pandemic. For instance, Thailand was the first country to be met with a Covid-19 case from Wuhan, but it was not until almost three months later that the Thai government imposed travel restrictions on China to prevent the outbreak (Pongsudhirak 2020, 8). By the end of 2021, there were three censure debates against the government, with the third debate having involved the government's tardiness in procuring a variety of vaccines through the COVAX program and its persistence in buying the Chinese Sinovac vaccine (Thai PBS World 2021). The government's survival from the no-confidence votes was expected because the 2017 Constitution, as aforementioned, has appeared and been applied in favor of the ex-junta to hold a majority coalition in the parliament (Yuda 2021; Pongsudhirak 2020).

CONCLUSION

While Thailand has gestured the embrace of democratic ideals, the consolidation of democracy has not been achieved. The existence of reserved domains that comprise specific areas of government authority that are not under the control of elected officials and of tutelary powers that are nonelected elites who can exercise policy-making decisions act as significant obstacles in the country's winding road towards democracy. As can be seen in the tracing of Thailand's democratization trajectory, the country oscillated in the presence of reserved domains and tutelary powers in different periods, with momentary decreases during the democratic interludes in the 1970s and between the 1990s and the 2006 coup against Thaksin's regime. At the same time, as the study of foreign policy analysis brought forward the notion that states are not homogenous black boxes in international affairs, domestic politics is a major determinant of the state's international engagement with others. Moreover, as there are many actors with various influences navigating the domestic political structures, the occurrences of reserved domains and tutelary powers of the time impact the state's foreign policy choices.

This paper explores the empirical cases of Thailand's foreign policy decisions towards the major powers and neighboring countries in the Cold War and the post-Cold War periods. The cases demonstrate that when tutelary powers and reserved domains are highly embedded in the political structure, and conflicting standpoints on foreign policy decisions are presented, the outcomes of the policy-making process lean towards the camp advocated by the non-democratic actors. For instance, this can be seen in the case of the Thai-Cambodian conflict in the 2000s, the Yingluck government's pursuit of constructing the HSR in connection to China's BRI, and Thailand's decision against the move away from the United States in the late 1960s. Conversely, at times when the tide of reserve domains and tutelary powers subsided, the civilian government had more leeway in its pursuit of foreign policy, such as during the democratic interlude in the 1970s and the Chuan Leekpai government's allowance of entry for the Nobel Peace Prize laureates in the 1990s. All in all, the research provides empirical evidence to understand the relationship between democratization and foreign policy. While the paper focuses on the case of Thailand, the research invites further studies that focus on other countries in light of the prevalence of tutelary powers and reserved domains in the democratization process and their implications on the formulation of the state's foreign policy.

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RUSSIA'S COMMUNICATION STRATEGIES ABOUT CRIMEA IN SPANISH-LANGUAGE SPUTNIK AND RUSSIA TIMES (2014-2018)

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Abstract: *We analyze Russia's communication strategies in the period leading up to and following the seizure (2014-2018) of the Crimean Peninsula in the Spanish editions of its digital platforms, Sputnik and Russia Times. Drawing from theories of political communication, we show how Russia used storytelling and framing to build an international image and political brand consistent with, and try to justify, its foreign policy actions. Specifically, Russian messages transmit no room for doubt about the legality of any of its strategies in Crimea. We argue that this communication strategy is consistent with the concept of 'sharp power' to describe Russian projection in the world. Cultural and emotional appeals designed to generate positive emotions about Russia, i.e., 'soft power', were far less common. In recent years, Russian projection of sharp power appears to have increased in the Spanish-speaking world, particularly in South America. In addition to helping explain Russian foreign policy, our findings contribute to broader debates about political branding and truth in a 'post-truth', multipolar world.*

Keywords: *Cyberpolitik; Post-Truth; Russia; Crimea; Sharp Power; Sputnik; Russia Times*

INTRODUCTION: THE CONSTRUCTION OF MEANING IN THE CONTEXT OF POST-TRUTH

The post-truth phenomenon, including debates about disinformation and misinformation, political branding, and the nature of power projection via digital media (cyberpolitik), has become a crucial dimension for understanding international relations and foreign policy. One way to conceive of the current international order is as the space for a contest over the construction of meaning. States and other actors exploit the possibilities offered by digital media to transmit messages to project and reinforce ideas and meanings that are consistent with their interests. In particular, states use cyberpolitik (Rothkopf 1998, 325-359) to imprint their desired international image, defined as a "state brand" by Van Ham (2001, 2-6). We posit that when carried out by states whose democratic institutions are not robust (Fukuyama 2014), cyberpolitik converts digital media into instruments of power. It follows that when foreign policy is manifested through the new media (Sal Paz 2010, 2-17) and in terms of

cyberpolitik, it is no longer about 'soft power' (Nye 2017, 1-3) but about a positioning strategy (Mintzberg 1987, 66-75) that exceeds this category and corresponds rather to 'sharp power' (NED 2017, 6-24).

We build support for this argument by analyzing Russian messaging to assert sovereignty over the Crimean Peninsula in the Spanish-language editions of Sputnik and RT during 2014-2018. Our approach to this digital content draws from theories of political communication, which emphasize "storytelling" (Alexander 2017, 5-13) and "framing" (Mintz and De Rouen 2010, 149-166) as the fundamental concepts used to construct a political brand. Specifically, we show how storytelling and framing align with emotional/cultural and legal/strategic messages in all the news items about Crimea in this period, during which Russia invaded and annexed Crimea. There was a minimal reaction from the international community.

By way of introduction to the case, in the next section, we present a brief explanation of the actions that led up to the annexation of Crimea and the key events that occurred during the four years included in our study. The following sections develop our arguments about sharp power and present our specific methodology and the analysis results. A concluding section offers reflections on the post-truth phenomenon and how it relates to foreign policy in a multipolar world.

KEY EVENTS LEADING TO AND FOLLOWING RUSSIA'S ANNEXATION OF CRIMEA IN 2014

Two specific events are especially crucial for understanding the context of Russia's invasion and annexation of Crimea. The first dates back to November 2013, when Ukrainian President Viktor Yanukovich refused to subscribe to an association agreement with the European Union, alleging that the latter had not been entirely generous in providing significant resources for the Ukrainian economy. The president's refusal provided a grain of sand to an exhausted society that erupted in protests in different cities - especially in Kiev's Maidan Square - not only because of the presidential decision to ignore the agreement but because of the lack of legitimacy of the president among the opponents and groups of the extreme local right.

The second date to highlight is February 2014. After the repression of protesters, the EU induced Yanukovich and the leaders of three of the opposition parties to sign an agreement to anticipate the elections and thus generate a reform of the Constitution. Despite an agreement having been reached, he was not respected by his promoter; Added to this is Yanukovich's subsequent flight to Russia. Russian media described this event "as a coup" (Taibo 2017, 79) directed by Western foreign ministries to place Ukraine in the orbit of the EU and NATO to the detriment of Russian interests.

Something of a surprise factor was the second crisis of 2014, deployed in the Donetsk and Lugansk oblasts in eastern Ukraine. Unlike the support that there was in Crimea for independence, the Kremlin did not reiterate that attitude towards Donetsk and Luhansk at the time, which culminated in a policy of destabilization against the Ukrainian authorities. Moscow pushed for the organization of a referendum under the principle of self-determination in March 2014. The result was a majority favoring the peninsula's independence and becoming part of Russia. However, the legitimacy of this referendum was called into question, and the EU and the

United States applied the first package of sanctions to Russia. Since the conflict arose, Crimea has been the victim of sabotage and blockades like the blackout throughout its territory in December, and that energy crisis lasted until New Year.

Meanwhile, NATO ships were deployed in the Black Sea to monitor Crimea, and Russia denounced the double standards of President Barack Obama and NATO. Ukraine revised its nuclear power status and decided to enter into a strategic partnership with Turkey against Russia. At last, the Parliamentary Assembly of the Council of Europe deprived the Russian delegation of the vote. Russia could also consider a strategic alliance with China, which would alert the West.

The concern over the dispute in Crimea and the threat of terrorism increased with the conflict in Syria, which began in 2015. Russia and The United States decided to cooperate on Arctic issues despite sanctions - set in 2015 and 2016 - and even the United States and Russia led a regional coalition to confront the Islamic State in Syria.

However, in 2015 Russia withdrew from the Consensus of Europe, and Ukraine gave up its status as a non-aligned country given joining NATO. The West's sanctions game against Russia continued, as the Russian state claimed that these sanctions violated WTO rules because they generated unfair competition.

Russia responded to anti-Russian sanctions with a food embargo on the United States, the EU, Australia and Canada for six months, even though the United States determined those averages for one year; all this led to a fall in oil prices, which meant another punishment for Russia. In addition, Ukraine condemned Russia before the UN order to remove its veto power in the Council of Security and Russia was removed from the G8. On the other hand, some peace talks between Ukraine and Russia took place with the mediation of the United States and the EU.

In Latin America, Russia strengthened its diplomatic relations with Cuba, supporting it in addressing the Crimea case before the UN General Assembly. Under the management of Cristina Fernández de Kirchner, the Argentinian government also supported Russia for the sovereignty of Crimea as parallelism with the Malvinas issue. Curiously, in 2015, two documentaries were released: 'Crimea, the Road to the Homeland' with the leading role of Putin in audiovisual history, and the Russian Center of Culture and Science presented another titled 'Whose is Crimea?'.

During 2016, the sanctions crisis extended to the field of diplomacy, given that Obama expelled 35 Russian diplomats, ordered the closure of Russian headquarters, and the eviction of the consulate general in San Francisco and the offices in New York and Washington DC. This caused the Russian plant to be cut from 755 to 455 employees.

After two years, the NATO-Russia Council met again in April. Russia, the United States and NATO established a dialogue on arms control. Even so, NATO continued expanding its fleets in the Black Sea, and Russia signed a decree determining that it would continue to be part of the Rome Statute of the International Criminal Court.

In 2017, the United States applied new restrictions to senior Russian officials for the alleged interference of Russia in the presidential elections and measures that affected the construction of gas and oil pipelines of the Nord Stream 2 project. Moreover, the US approved the sale of lethal weapons to Ukraine. Another critical issue is that Russia strengthened relations with Argentina and collaborated in the search for the ARA submarine San Juan this year.

SHARP POWER AND EXPLANATIONS FOR RUSSIAN ACTIONS IN CRIMEA (2014-2018)

Four reasons are generally cited to explain Russia's reasons for its actions in Crimea.

First, there is the irredentist appeal to history. Crimea is a coastal peninsula of the Black Sea that traditionally belonged to Russia. In 1954, however, Soviet Premier Nikita Khrushchev chose to 'cede' Crimea to Ukraine within the framework of the 300th anniversary of Ukraine's 'accession' to Russia. During the subsequent decades, the Russian population in Crimea increased. Russians constituted "58% of the peninsula's inhabitants" in 2014 (Pomeranec 2020, 214). Thus, Russia's claim to Crimea included the argument that Crimea and its population were Russian. Second, the incorporation of Crimea into Russia allowed access and control of oil and natural gas deposits found in the Black Sea area. A third reason was a diversion. The idea is that Russia invaded Ukraine to distract attention from politics at the domestic level. President Putin shifted the focus from the social and economic problems at home to an international conflict thanks to the Crimean issue. Fourth is the argument that the West, particularly NATO and the European Union, provoked Russia into acting by courting Ukraine. This contention is famously associated with Mearsheimer (2014, 77-89).

As we show in the analysis in the following sections, the factors above are echoed in Russia's use of digital media to assert sovereignty over Ukraine. Political communication in a context of invasion, annexation, and other aspects of *realpolitik* is hard to fit into the analytical category of 'soft power', which focuses on shaping the preferences of others through appeal and attraction (Nye 2017, 1-3). Studies of 'soft power' often focus on cultural diplomacy designed to produce a positive impression. The idea of 'sharp power' (NED 2017, 6-24) provides a better lens through which to analyze this case. We join a small but growing group of scholars arguing that the strategic use of digital media cannot be understood under the conception of soft power (Szostek 2014). Still, it is an even more complex dynamic that responds to a positioning strategy (Mintzberg 1987, 66-75). Scholars have used the concept of sharp power to analyze the positioning strategies of states like China (Cole 2018; Jieh-min 2020; Martínez Cristobal 2021), Poland (Skoneczny and Cacko 2021), United Arab Emirates (Boubtane 2021) in domestic issues or their geopolitical interests. Most literature analyzing the sharp power as a phenomenon are case studies for China. We believe the category is beneficial for studying Russia. Political communication theories may be incorporated into a sharp power approach, as we argue in the next section, which presents our methodology.

A STUDY OF POLITICAL BRANDING IN SPUTNIK AND RUSSIA TIMES

Our principal empirical aim in this study was to identify the dimensions that constitute the international image Russia seeks to convey as part of its positioning strategy, according to the concept of Mintzberg (1987, 66-75). The temporal bounds of the study are March 2014 - coinciding with the referendum in Crimea that determined that territory is part of the Russian Federation - and March 2018 - corresponding with the re-election of Vladimir Putin.

We opted to use material from the Spanish language versions of Sputnik and Russia Times (RT). These two are the main media of communication from Russia that produces content for non-Russian speaking audiences. Russia Times, formerly known as Russia Today, is a news

outlet funded and run by the Russian state, which began broadcasting with international reach in December 2005. RT has developed a global network of television channels, websites, and social media accounts that publish content in English, Spanish, French, Arabic, German and Russian. Even though Sputnik was released in November 2014, this native digital media came up from the merger of the international state information agency RIA Novosti and the Voice of Russia radio, which ceased their activity in 2013. Sputnik manages radio broadcasts, websites and social media channels in more than 30 languages.¹ Thanks to the social media boost, these platforms are among the 15 most shared domains for publications in Spanish about Russia and related issues.

This investigation is a type 1 case study, according to Gerring, since the variation of a single unit over time is observed and has an explanatory-confirmatory purpose (Bennett and Elman 2007, 170-195). The independent variable is Russia's foreign policy with Ukraine through Sputnik and RT. The dependent variable, our primary variable of interest, is the international image that Russia builds through these digital platforms. The control variable is the intensification of criticism by perceived adversaries according to a chronology of historical milestones. To construct these variables, we selected the textual contents in Sputnik and RT that present the keywords 'Crimea' and 'Ukraine' during the study period. This constitutes a sample of 3,897 publications. Of the entire sample, 3,741 posts belong to Sputnik and 156 to RT, as seen in Figure 1.

At first glance, both outlets published the most content about Crimea in 2014. In the case of Sputnik, there were 1,073 posts; and RT had 82. By 2015, Sputnik featured 815 posts; RT published 67. In 2016, 817 were registered on Sputnik and only 3 on RT. In 2017, Sputnik generated 834 posts and RT again 3. Finally, from January to March 2018, Sputnik had 202 posts and RT only one.

As time goes on, decreasing coverage by RT for the Crimean issue is observed. On the contrary, Sputnik kept the issue on the agenda with a similar frequency between 2015 and 2017. The two Russian media coincide in prioritizing the events linked to Crimea, especially in the first year the dispute broke out.

¹For further information, see the report by the US Department of State that was published in January 2022: https://www.state.gov/wp-content/uploads/2022/03/Kremlin-Funded-Media_Spanish_March-07_508.pdf

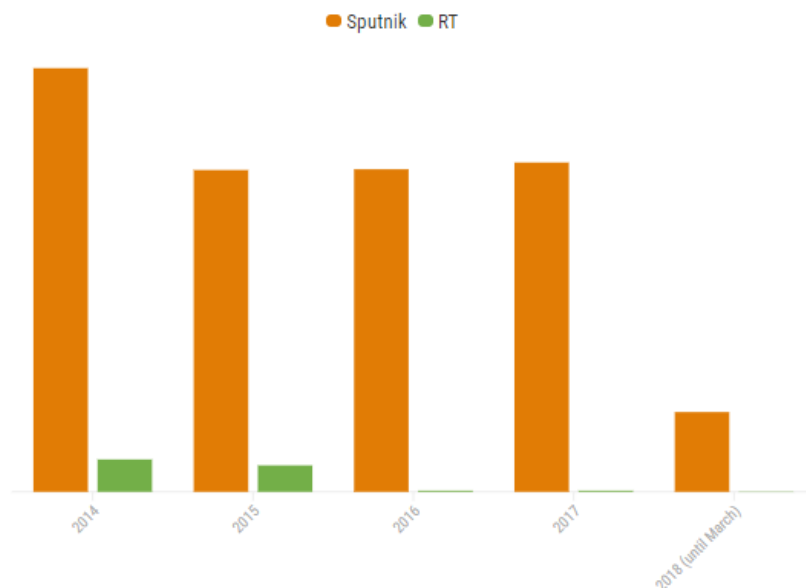


Figure 1: Number of Publications Registered by Year and by Media (Source: Authors' depiction based on the registry of publications on the websites of both media)

However, we mention an important caveat: in 2014, of the 1,073 posts on the Sputnik website, 992 'removed' content (not enabled for online viewing) were identified. We classified them as 'removed' since the fact that their validity on the Sputnik website has been suspended is an absence of data that also informs: that, in 2014, there were 992 publications that Sputnik uploaded to its platform and that, in 2020, decided to remove access to that content from the audience.

For the entire time cut, the most predominant narratives (Pryhara 2018, 25) are the following:

1. "The West is an enemy that wants to destroy Russia" (T7N27, according to the coding system).
2. "The Crimean referendum was an initiative of the Crimean people, not Russia" (T2N11, according to the coding system)
3. "Russia is not involved in the events in the Donbas region" (T3N13, according to the coding system).

The marked difference in volume between the T7N27 narrative and the other two emphasizes the rivalry between the West (the United States, the European Union, Australia, Canada, NATO, and other international/multilateral organizations) and Russia.

Figure 2 illustrates that 5 narratives (Pryhara 2018, 25) presented a more significant proportion of change across the period. These were:

1. "The Crimean referendum was an initiative of the people of Crimea, not Russia" (T2N11, according to the coding system).
2. "The West is an enemy that wants to destroy Russia" (T7N27, according to the coding system).

3. "Russia is not involved in the events in the Donbas region" (T3N13, according to the coding system).
4. "Ukrainian government officials are ultranationalists" (T5N21, according to the coding system).
5. "Crimea is better off in Russia than in Ukraine" (T2N12, according to the coding system).

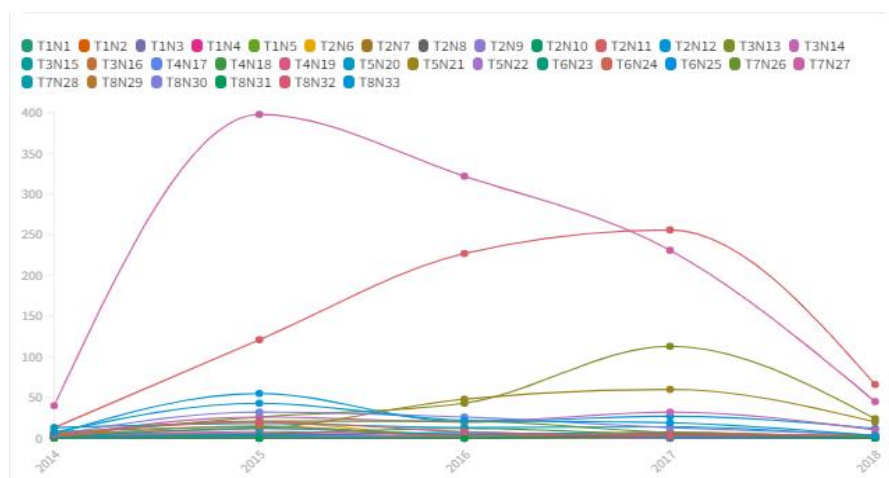


Figure 2: Narratives about the Coverage of the Crimean Conflict by Sputnik and RT and how they have changed from 2014 to 2018 (Source: Authors' depiction based on the registry of publications on the websites of both media)

To build the measure of political branding, we rely on the concepts of 'framing' and 'storytelling'. 'Framing' is the response transmitted by the ruling politicians in the face of a foreign policy problem. It is necessary to explain the fact and provide a tentative solution (Neack 2008, 126-128). This scheme communicates in a cascade modality, from top to bottom, since the public receives this window of information and - to a certain extent - it produces cognitive blindness for not knowing the reality of the events. As Mintz and De Rouen (2010, 149-166) explain, the application of framing has two functions. One is thematic, implying the purpose of influencing decision-makers choices and molding public opinion by prioritizing specific content above others on the agenda. The second refers to an evaluative purpose, where the setting acts as a parameter for evaluating the environment and a positive or negative perception are attributed to the facts.

'Storytelling' consists in telling stories through technology, and so a story is the narrative of an event or series of events crafted in a way to interest the audience and make the best effort to build engagement (Alexander 2017, 5-13).

The building of meaning by the Russian state in terms of cyberpolitik, or political branding through the digital platforms of the two Russian media analyzed, serves as our unit of analysis, and each of the 3,897 publications on Sputnik and RT serves as our unit of observation. We explore framing and storytelling that constitutes the international image sought to be transmitted, and the level of compatibility of political communication acts with cultural identity.

We take the classification of Mintz and De Rouen (2010, 149-166) as a reference because it condenses the complexity of the messaging-making process in an international field to pursue geopolitical objectives. There are five relevant types of framing that the authors propose: 'priming', which highlights the prominence of a feature at the expense of discounting other related ones; 'symbolic', where the use of symbols is appealed to allude to emotion and patriotism; 'threat', this covers a particular aspect of a fact that generates tension to establish that it means a threat to the government itself, the state and its citizens; 'emotionally saturated', the frame is configured from elements that appeal to the emotional sense of people with a saturated use of qualifying adjectives; 'non-compensatory' vs. 'compensatory' terms, in the first the framework used induces a decision focused on a single dimension of the situation without taking into account the context, while in the second the multiple variables are considered by adding the positive ones and contrasting them with the negative ones. All these elements are tactics used by leaders to promote their foreign policy. In the case of the Crimea dispute, Russia uses these frames to add supporters to its cause and actions nationally and internationally.

The three most predominant framing for the entire time cut is priming with 1164 publications, compensatory terms with 826, and symbolic with 694.

The priming was used to highlight that: the Crimean people's vote to reunify with Russia was democratically executed; The West is an enemy that attacks Russia; Ukrainian officials are ultra-nationalists and threaten the integrity of Russian speakers in Ukraine; and that Russia was not part of the conflict in Donbas.

Using compensatory terms established the actions and reactions of the West and Russia in the successive sets of sanctions, considering the measures of both sides and their consequences.

Symbolic framing rhetorically alluded that: the Ukrainian government is heavily influenced by the United States; the West organized Euromaidan; Crimea improved its socio-economic situation after 'accession' to Russia; the Crimean Peninsula has historically belonged to Russia; the Russian state is responsible for protecting the Russian diaspora on its territory and beyond its borders; Russia is interested in resolving conflicts and tensions with a peaceful and cooperative attitude.

The framing of the threat announced the threat of the advance of NATO troops in Eastern Europe and areas surrounding Russia, the breach of the Minsk Agreements by the Ukrainian government, and the sabotage and blockades organized by Ukrainian authorities and far-right groups.

Using non-compensatory terms functioned as a way of responding to accusations against Russia. Therefore, the emphasis was that Russia denied the acts denounced by the West without giving explanations or more details of that context.

The emotionally saturated frame was recorded mainly in opinion articles and newsworthy publications based on the life stories of Ukrainians, Russians or Americans in Crimea and the Donbas region.

The breakdown of the use of framing in our sample is reported in Figure 3.

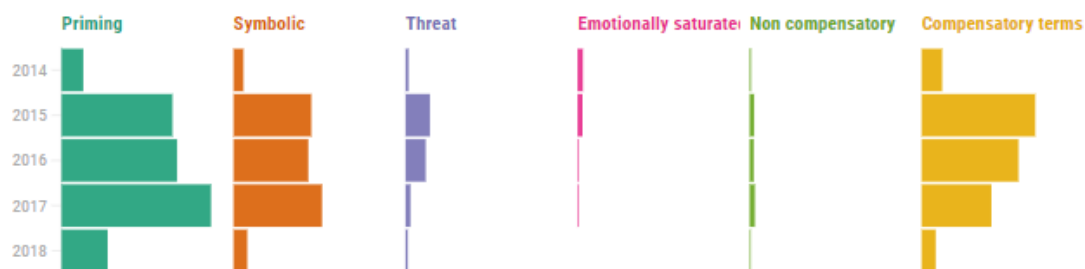


Figure 3: Use of Framing According to the Typology of Mintz and De Rouen (2010) (Source: Authors' depiction based on the registry of publications on the websites of both media)

The marked predominance of storytelling with legal arguments over the emotional connotation was recorded in all the years covered. These may be observed in Figure 4.

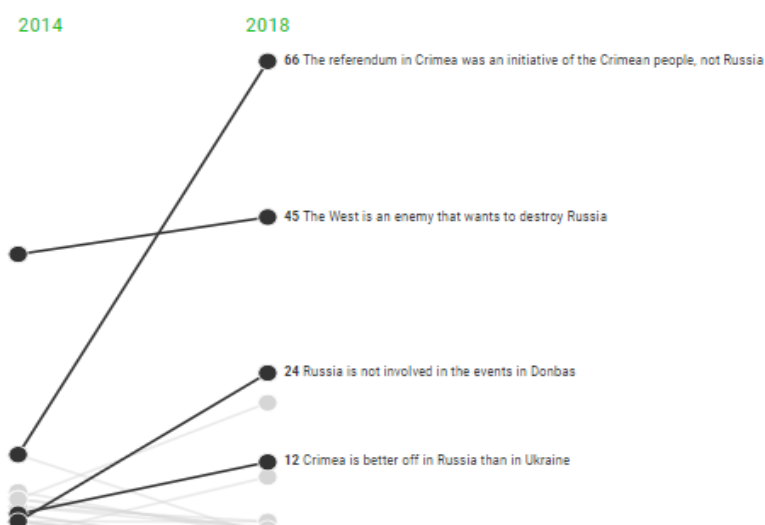


Figure 4: Storytelling Narratives about Crimea in Sputnik and RT, 2014-2018 (Source: Authors' depiction based on the registry of publications on the websites of both media)

Although we can observe that a certain emotional connotation was registered in the textual contents of the sample, in comparison with the legal arguments, the presence of elements that question emotion, such as life stories, opinion articles, editorials and caricatures, is significantly lower than those that seek to offer rational foundations and supported by data and norms of International Law.

To support this causal inference, we applied the control variable according to this chronology of historical milestones throughout the development of the Crimean dispute, where the intensification of criticism of Russia by the adversaries - the United States, NATO, and the European Union - is observed. Interesting curve results are portrayed in Figure 5.

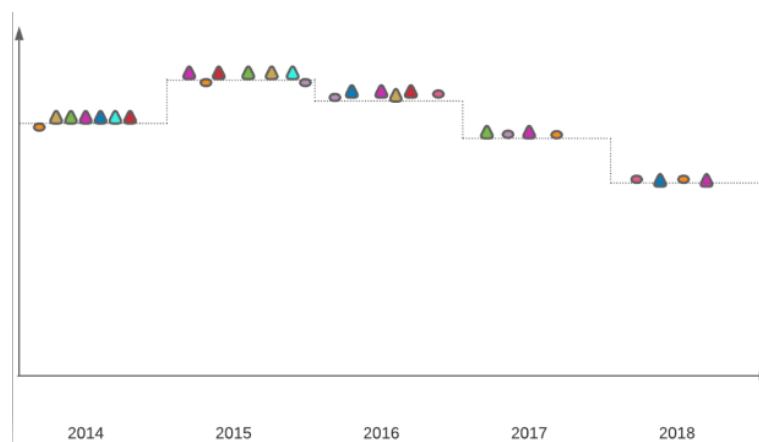


Figure 5: Intensification of Tension between the West and Russia According to the Chronology of Historical Milestones (Source: Authors' depiction based on the registry of publications on the websites of both media)

The axe X represents the years, and the axe Y points to intensifying the tension between Russia and the West. There are 9 categories of events identified by circles, which are events with a minor level of tension, and triangles when the tension is higher: 1° cultural event (orange circle), 2° sabotage and blockades (red triangle), 3° strategic partnership (light blue triangle), 4° economic sanctions (green triangle), 5° cooperation/support/dialogue (purple circle), 6° diplomatic sanctions (yellow triangle), 7° litigation (blue triangle), 8° provocations and threats (fuchsia triangle), and 9° visits of delegates to Crimea (pink circle). This chronology is based on the events that came up from the coverage of Sputnik and RT during the 2014-2018 period, which was summarized in the second section of this paper.

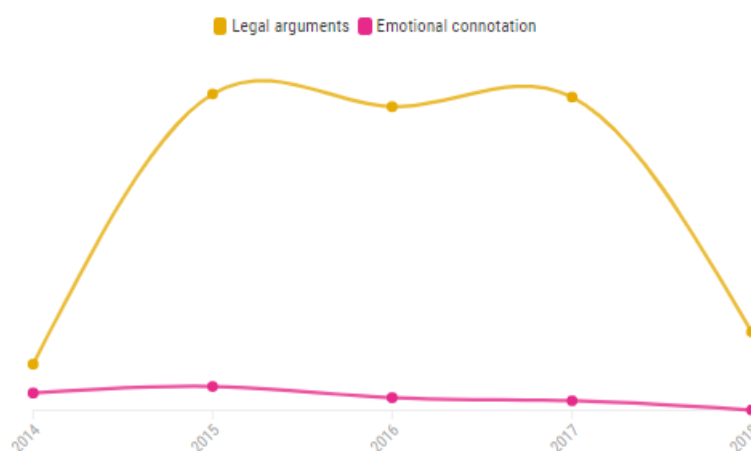


Figure 6: Level of Compatibility of the International Image with Cultural Identity (Source: Authors' depiction based on the registry of publications on the websites of both media)

The most important thing to note about Figure 6 is:

- That 2015 had the most significant flow of tensions because it coincided with the outbreak of the conflict in Syria, the first anniversary of the Crimean referendum, the harshness of the packages of economic sanctions against Russia and the instances of cooperation in the fight against terrorism in Syria.
- The tension began to ease with the arrival of Trump to the presidency in 2016 by becoming a possible catalyst for changes in favor of Russia.
- In 2017 Trump did not promote relevant modifications, and the economic sanctions continued.
- In 2018 tensions descended due to reports by numerous delegates who visited the peninsula in previous years and, especially in March, to examine the electoral process in Crimea.
- And that Russia always remained on alert, given the presence of NATO in Eastern Europe and areas surrounding Russia.

Taking into account the purpose of the notion of “storytelling” (Alexander 2017, 5-13), which aims to engage with the audience by telling stories and empathizing in some way through either prior their own experiences and details or using data and facts, the lower presence of emotional connotation - that means it is equated with Russian cultural identity - shows that the storytelling that Sputnik and RT implemented for their coverage was based in legal arguments that could justify its strategic positioning along the conflict in Crimea. The geopolitical factor explains the preponderance of storytelling with legal arguments in Sputnik and RT publications. In these acts of communication, Russia seeks to deflect Western criticism about its conduct in Ukraine.

CONCLUSION

The communication from the Russian media analyzed built an international image tailored to the country’s needs in the geopolitical context in the post-Cold War, and this article has argued, specifically, in the case of the annexation of Crimea. Russia communicated the events related to Crimea according to a positioning strategy - sharp power - designed not just to persuade and win friends but to transmit a message that it has power, sharp power and that Russia, faced with any perceived threat to its territory, immediately and beyond its legal borders, chooses military mobilization and response. Russia has no interest in exercising its soft power to deal with this dispute. Its messaging is a way to establish this willingness to use its hard power as common sense. At the same time, Russia does provide some answers to criticisms by its perceived adversaries. In general, when it comes to states with democratic institutions that are not robust, with access to and control of the media, ‘sharp power’ is a more helpful category than ‘soft power’. This conclusion suggests that the receivers of messaging that employ ‘sharp power’ are meant to incorporate more than positive feelings about the sender’s culture or reasoned debate.

Our arguments about Russian sharp power apply to that country’s projection all over the globe. Most of the Spanish-speaking world is geographically remote from Russia, but Russia has

become more active even in the Western hemisphere. We note that Sputnik and RT have become even more prominent in Spanish-language coverage of Russia since the outbreak of the War in Ukraine following Russia's invasion of the eastern regions in 2022 (Ponce de Leon 2022). This suggests that it is imperative to continue to study Russian messaging in these media. In particular, future work should concentrate on how this messaging is perceived in the region and other regions.

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THE APPLIED STATE OF VIOLATION OF WOMEN'S RIGHTS IN ARMED CONFLICTS: YAZIDI WOMEN DURING THE ISIS WAR IN IRAQ

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Abstract: On 3 August 2014, fighters from the Islamic State in Iraq and al-Sham (ISIS) attacked the Yazidi minority of Sinjar in Kurdistan-Iraq. The Yazidi community was the main target of ISIS fighters, including Yazidi women. The ISIS group has committed violence against Yazidi women in several ways. This study aims to show the crimes committed by the group ISIS against Yazidi women and to highlight the problem of violence against women in war through recent living examples, such as women in the ISIS war between 2014-2017. The second part of this study identifies the legal deficiencies related to the regulations that guarantee the protection of women's rights in Iraq. Through a content analysis approach, qualitative methodologies are used. Also, based on a thematic analysis of semi-structured interviews, this paper found that the Yazidi women and girls have been subjected to the most heinous crimes involving international crimes. Furthermore, despite various legal provisions in Iraqi laws and the constitution relating to protecting women's rights, these laws have several legal deficiencies. The Iraqi legal authority has not attempted to guarantee sufficient protection for women's rights in armed conflicts.

Keywords: Violation; Women's Rights; Armed Conflict; Yazidi Women; ISIS; Legal Protection

INTRODUCTION

Women have suffered the most from armed conflicts (ACs) (Zhianpour *et al.* 2015). During armed conflict, women face the same receding tide and movement that are violations of international humanitarian law (IHL) as a whole: torture, summary executions, arbitrary arrests, forced transfer, hostage-taking, threats, and intimidation. Sexual violations such as rape, forced prostitution, sexual slavery, and forced vaccinations must be prohibited for these women and all women (Bennoune 2007). This paper aims to discuss the violation of women's rights in ACs by using a new and conspicuous example. This paper focuses on women from the Yazidi minority during Iraq's (ISIS) war from 2014 to 2017.

Furthermore, the paper, through data analysis, provides an answer to the legal deficiencies of the Iraqi legal framework for protecting women's rights in the context of Yazidi

women in Iraq. The first part of this study empirically discusses the major violations committed by ISIS fighters against Yazidi women. Then, by focusing on the Yazidi women victims of the ISIS war, this study assesses Iraqi laws and regulations related to protecting or reducing violations of women's rights in war and ACs. However, despite various laws and several attempts to protect women's rights in Iraq, there is still a lack of legal protection and security for women. Additionally, these laws have several legal deficiencies that protect women's rights in Iraq. This is a serious concern, particularly in Iraq, which is always prone to war and armed conflict. Thus, to discuss these issues, the current study attempts to answer the following research questions:

(RQ1): What are the main violations committed against Yazidi women and girls by the fighters of the terrorist group ISIS?

(RQ2): What are the legal deficiencies in the Iraqi legal framework for protecting women's rights in the context of Yazidi women in Iraq?

METHODOLOGY

This current research is socio-legal in nature and qualitative in approach. In legal research, the doctrinal methodology is the method for answering research questions. However, Socio-legal research is an investigation into the legal principles and rules and their application to people (Aynalem 2009). Based on the framework of this study, the researcher aims to combine doctrinal and empirical research methodologies (referred to as socio-legal research methodology). However, the socio-legal approach combines the conventional legal approach with an empirical investigation of some of the problems and questions of social nature (Yaqin 2007a). In addition, the findings will be based on human experience, which is one of the leading causes why qualitative studies are considered beneficial over quantitative studies (Maxwell 2008). Thus, this research meets these conditions by studying the situation of women's rights in Iraq. Also, the study examines the rules and principles of Iraqi local laws governing the protection of Iraqi women's rights in ACs. Based on the established research objectives, it can be inferred that a qualitative study is suitable for executing the proposed study because it allows women's rights violation issues to be examined in-depth and in detail.

DATA COLLECTION METHOD

Due to the nature of the study, both primary and secondary data collection methods are used to conduct this study. Primary data, in this case, were collected using interviews, which has the advantage of allowing the researcher to have significant control of the research process (Bengtsson 2016). Secondary data sources encompass published data in journals, articles, and books (Bogdan and Biklen 2006). Also, a semi-structured interview was used (Yaqin 2007b). Therefore, the responses of the respondents involved in this by grouped according to the themes of the research. Face-to-face interviews were held with two groups. The first group is four Iraqi legal experts. This study uses their responses to examine the adequacy of the Iraqi legal framework for protecting women's rights in ACs. The second group is eight Yazidi women survivors to emphasize the reality of violation against women by taking Yazidi women suffering. The main reason for selecting a semi-structured interview is that it always comes in a written

form (Yaqin 2007b). Also, a semi-structured interview encourages the interviewer to prepare in advance and guide the conduct of the interview. Secondary data would be beneficial by supporting the established findings, identifying trends, and creating points of argument.

However, this study analyses the interview data produced from the transcript thematically. It is worth noting that thematic analysis is the most common method of study in qualitative research (Greg *et al.* 2014). Mainly, the study relies on the Yazidi refugee camp in Duhok, North Iraq. As a result of the Covid-19 pandemic and the long distance between the researcher and interviewers, the interviews were held online (via Zoom meeting) in coordination with the Public Aid Organization (PAO).¹ The location of the interviews is the PAO office at the Yazidi campus in Dohuk-Iraq.

Meanwhile, the study collected qualitative data from four respondents. The respondents are coded R1, R2, R3, and R4, respectively. The study coded these respondents to protect their privacy (Creswell 2014). This is in line with Creswell's idea that the researcher can code respondents by giving them aliases or pseudonyms (Frost *et al.* 2010). Table 1 shows the group of legal respondents of this study.

Table 1: Table of Respondents (Source: Authors' compilation)

Respondent	Current Place of Work	Rank/Specialization	Date of Interview
Respondent No.1 (R1)	Kurdistan Parliament, Erbil, Iraq.	Yazidi women legal expert. Current Member of Kurdistan parliament.	3 January 2022
Respondent No.2 (R2)	Iraqi Federal Parliament, Baghdad, Iraq.	Yazidi women legal expert. Current member of the Iraqi federal Parliament. Ph.D. holder in international law and politics area. She is a Yazidi women activist who has a vast role in the Iraqi Parliament in advancing the case of the Yazidi genocide.	6 January 2022
Respondent No.3 (R3)	Kurdistan regional government (KRG). Erbil, Iraq/Salahaddin University, College of Law and Political Science.	Assistant professor in law with a particular interest in international law and women's rights. Ministry of Parliamentary Affairs.	28 December 2021
Respondent No.4 (R4)	Lebanese French University- Erbil Kurdistan-Iraq.	Assistant lecturer- master of human rights law.	12 February 2022

Regarding Yazidi women's privacy, this study does not provide the women's specific names and addresses, similar to the other group. However, the women respondents are coded as Yazidi women survivors 1 to 8, as reported in Table 2.

¹For more information see: <https://www.pao-iq.org>

Table 2: Yazidi Women Respondents (Source: Authors' compilation)

Respondents	Age	Single	Married	Date of Interview
Yazidi women survivor N1	33		✓	23 December 2021
Yazidi women survivor N2	40		✓	23 December 2021
Yazidi women survivor N3	48		✓	23 December 2021
Yazidi women survivor N4	61		✓	23 December 2021
Yazidi women survivor N5	54		✓	23 December 2021
Yazidi women survivor N6	32	✓		23 December 2021
Yazidi women survivor N7	20	✓		23 December 2021
Yazidi women survivor N8	18	✓		23 December 2021

THE YAZIDI MINORITY: IDENTITY AND RELIGION

The Yazidis (Êzidi) are a Kurdish religious minority living in Kurdistan, the north of Iraq (Allison 2017). They adhere to Yezidism, a non-Abrahamic religion conveyed orally. That shares common characteristics with Christianity, Islam, and other monotheistic religions (Allison 2017). According to the resources and calculations, the Yazidis are estimated at around 700.000 people now (Alfahham 2020), 12% of the Kurdistan Region population (Omer 2016). UN entities and non-governmental organizations have documented ISIS's breaches of human rights against the Yazidis. For example, on 3 August 2014, ISIS assaulted Yazidis in a small settlement near Mount Sinjar. However, ISIS had been actively targeting the Yazidi minority group since the commencement of the attack.

Approximately 50,000 Yazidis escaped to Sinjar Valley, where ISIS terrorists kidnapped and held them. The Office of the High Commissioner for Human Rights highlighted human rights breaches against ethnic and religious communities targeted by ISIS, particularly the Yazidis, in March 2015. According to the Commissioner, there is a "clear pattern of attacks on the community, whose identity is based on religious belief." According to the Commissioner, if verified, the conduct would amount to genocide, war crimes, and crimes against humanity. According to the Human Rights Council report (they came to destroy), in 2016, ISIS committed war crimes against over 3,200 Yazidi women and girls, including rape, sexual abuse, sexual enslavement, forced marriage, death, and forced pregnancy (Human Rights Council 2016).

VIOLATIONS OF YAZIDI WOMEN'S RIGHTS BY ISIS

In Article 1 of the UN Declaration on the Elimination of Violence against Women, the term 'violence against women' (VAW) is defined as: "Any act of gender-based violence that results in or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life" (United Nations General Assembly 1993, 2).

The violation of women's rights occurs before, during, and after armed wars (Davis 2016). ISIS began targeting ethnic and religious minority groups and other Muslims who differed from

their view of Islam. This happened in 2014, shortly after taking over a substantial chunk of Sunni-dominated Iraq. In the town of Sinjar, this included a considerable number of Yazidis.

Any Yazidi who refused to convert to Islam was executed. In addition, Yazidi women were taken as 'jihadi brides' by ISIS. Among other atrocities, ISIS captured thousands of women and girls and sold many of them into sexual slavery. Over 40,000 Yazidis were displaced due to these atrocities, and hundreds of thousands of women and children were killed. UNHCR decelerated that by March 2015, 500,000 Yazidis had been displaced, primarily from Sinjar District, with the vast majority fleeing to the Kurdistan Region of Iraq (KR-I), mainly Dohuk Governorate (United Nations High Commissioner for Refugees 2019). In response to a query on the causes of violence against Yazidi women is related to religious differences and background or the reason they are women, Respondent No.1 (R1) of this study on the issue goes as follows:

Indeed, the women and the entire Yezidi community were exposed to violence. Men and children were also subjected to violence, men were subjected to psychological and physical violence, and children were used as human shields and trained in violence, killing and blowing themselves up and entering into battles and brainwashing them. In Sinjar, where there were all sorts of religious and denominational diversity, no other women were kidnapped, only the Yazidi women, which is clear evidence. The goal of ISIS was to erase the Yazidi religion, rape and enslave the women of the Yazidi community, sell them in slave markets, and violate their dignity.

Additionally, the R2 gave her answer to the same question above in the following words: Captivity, kidnapping, and rape of Yezidi women were carried out for religious reasons and following religious rulings. Because they regarded women as among the conquests' spoils, they imagined awful chapters of history represented by invasions, massacres, and enslavement. Women, unfortunately, suffered greatly and were always passive rather than active.

According to article 7 of the Rome Statute (1998), ISIS committed "inhumane acts of a similar character intentionally causing great suffering or serious injury to body or mental or physical health" (p. 3). In addition, the Yazidi women survivor in this study who were interviewed has shared responses to the question of what the ISIS war left behind. For example, the survivor-woman N7 lived in the Yazidi campus in Duhok with six people from her family; she said:

Let my face appear, let my name come out; what should I be ashamed of? And be ashamed of my pain? Let every one in every corner of the world hear the story of the tragedy and the endless suffering of Yezidi women. What we, as Yezidi women, have seen is an awful experience. All inhumane treatment has been done against us. Anything I can talk about is easy to say. You can't feel me because you haven't had an authentic experience. I am now like a lifeless body that wishes for death every day. ISIS took everything from me, family, hope, dignity, girlhood, and finally, life.

Meanwhile, the survivor-woman N8 expressed her feelings as follows:

ISIS came on a summer night and destroyed everything, our homes and lives, our dear people, and our lives would never be the same as before. When I was a child, I didn't feel so much pain. But, as I grow older, I feel what I have lost as a girl, committing violence against women in every way. They did not have any human emotion; as a child at that time, I have been bought and sold many times.

Also, the 54-year-old surviving woman N5, who lived with a part of her family, said: "We were not guilty. We were only Yazidis. Our homes were destroyed, and I lived happily with my husband and children. ISIS destroyed everything. God will not accept the injustice we were perpetuated".

Women's violations can be used as a deliberate and systematic tool in genocide and ethnic cleansing. Groups like ISIS justify violence using specific gender norms that intersect with perceptions and prejudices toward particular religious or ethnic groups (United Nations General Assembly 2017), and this was confirmed by R2, who said: "ISIS did not come to kill women and girls, but to utilize them as spoils of war, as things to be sold cheaply or given away for free as a systematic tool against the Yazidi religious minority. Their cruelty was not only petty. They had one goal: to destroy the Yazidi identity by force".

To back up R2's assertion, according to the report from the UN in 2016, the violence varied 'based on the gender and age of the victims' although the entire community was targeted. Furthermore, these genocide-related acts of cruelty were carried out based on ISIS' interpretation of gender roles within extreme religious ideologies, in which men were considered leaders or combatants and women as 'spoils of war'.² The R1 shared almost similar kinds of violations above; R1 claimed: "Yazidi women were subjected to the most heinous crimes of enslavement, sexual slavery, torture and violation of their dignity by ISIS, and the kidnapped Yazidi women considered them as spoils of war". Furthermore, concerning crimes committed against Yazidi women, the European Parliament issued Resolution No. 2971, in which, in clause (A), they state that:

ISIS has committed numerous atrocities, including crimes against humanity, mass killings, and executions ordered by self-appointed IS courts. Sexual violence against women and children, enslavement, rape, forced marriages, human trafficking, displacement, and abduction have caused a catastrophic humanitarian crisis and the displacement of large numbers of people from the areas under their control.

In regards to the form of violations conducted against Yazidi women, R3 claimed:

ISIS has committed war crimes and crimes against humanity against Yazidi women. There is also evidence that ISIS has committed crimes against humanity, including murder, forcible deportation, imprisonment, torture, rape, sexual slavery, and other forms of sexual violence and persecution perpetrated by the group as part of a widespread and systematic attack against Yazidi community cruel treatment, torture, and extrajudicial killings, in addition to attacks directed against women,

²For more details see UN News, Global Perspective Human stories at: <https://news.un.org/en/story/2016/06/532312-un-human-rights-panel-concludes-isil-committing-genocide-against-yazidis>

religious sites, and historic buildings, rape, and sexual slavery and sexual violence, child recruitment, and the displacement of the civilian population.

The explanation mentioned above has underlined that ISIS's violations against Yazidi women and girls included a variety of patterns of violation. In the following sections, three major violations against Yazidi women will be discussed in greater depth and detail below.

SEXUAL VIOLENCE, RAPE, AND TORTURE

Following the law on reparations for victims of conflict-sexual violence by the UN:

Conflict-related sexual violence refers to incidents or patterns of sexual violence against women, men, girls, or boys occurring in a conflict or post-conflict setting that have direct or indirect links with the conflict itself or that occur in other situations of concern, such as in the context of political repression (Freizer 2016).

Sexual violence resulting from armed conflict can take many forms, including rape, forced pregnancy, forced sterilization, forced abortion, forced prostitution, sexual exploitation, trafficking, sexual enslavement, forced circumcision, castration, forced nudity, or any other form of sexual violence of comparable gravity. Depending on the circumstances, it could be deemed a war crime, a crime against humanity, genocide, torture, or other grave human rights abuses (Global Network of Women Peacebuilders 2020). UNICEF estimates that 120 million girls under the age of twenty have been forced into some form of sexual violence worldwide (Greaser 2018). For example, ISIS fighters systematically rape Yazidi women and girls as young as nine. There is evidence of such rapes from survivors who have undergone both physical and psychological wounds. To further the cruelty of ISIS's sexual crimes, the survivor women N1, N3 and N6, shared a similar view, they said:

All forms of sexual violence have been committed against us, rape, buying and selling, sexual slavery, forced marriage, and many other Cruel deals. However, I will never forget that the group of women I was in, including girls aged only 9 and 10, were being sold, raped, and sexually harassed.

In March 2015, the Office of the High Commissioner for Human Rights (OHCHR) published a report on human rights violations committed by ISIS against ethnic and religious communities. The OHCHR report states that ISIS members have raped girls as young as six. Nonetheless, the young Yazidi females have been profoundly traumatized, with some victims alleging that ISIS members have raped them many times (OHCHR 2015). Although ISIS evaluated the prerequisites for the selection of Yazidi women according to their beauty, youth, and attractiveness of women, according to witnesses, older women were subjected to less sexual violence. Instead, they were enslaved and subjected to everyday affairs (Charpenel 2016).

This was confirmed by survivor-woman N5. She was 68 years old, a merciful and highly respected woman. She was called a mother by the researcher; she was crying and telling her painful story and said:

Because I was older and not beautiful, ISIS fighters separated us from young women and older people who were given more hard daily work. Still, two of my daughters were subjected to forced rape and marriage, as well as buying and selling, which have still had a physical and psychological impact on them.

The surviving woman, N4, was 54 years old and lived with two sons in the Yazidi camp in Duhok-Iraq. Her husband and two daughters are still missing after the ISIS war, and according to her speeches, every day, she looks at the door desperately waiting for them to return. She shared a similar view:

After our arrest by ISIS fighters, we were divided into groups. I was separated from my daughter and daughter-in-law because I was old and not young like the others, and they put me in groups of elders. For the benefit of the ISIS members' families, they enslaved us as hard workers, despite giving hard work, such as raising children of ISIS fighters and cleaning houses. In addition, most of the women of my age faced great punishment, such as murder, rape, and beatings.

Capturing Yazidi women and girls and torturing them has been a longstanding practice of ISIS, as mentioned above. Elderly Yazidi women, on the other hand, are deemed unfit for sexual servitude because they are incapable of bearing children and producing new generations of Jihadists, so they are just slain. Furthermore, a mass grave of Yazidi mothers and grandmothers was discovered after Sinjar was liberated, indicating that ISIS may be conducting genocide by killing older Yazidi women (Global Justice Center 2020).

SEXUAL SLAVERY

Sexual slavery is when the offender believes he owns the victim's body and thus has the right to do whatever he wants with it, including rape or other forms of sexual crime (Prasetya 2018). When ISIS declared its Caliphate on 29 June 2014, it stated that it would work to implement Sharia Law, which is the body of Islamic law. However, abducting 3000 Yazidi girls and women, legitimizing enslavement, and legislating enslavement were the most prominent principles that legitimized the caliphate members, known for unreasonable genocide, sexual desires, and sexual jihad. ISIS considers the Yazidi women and girls they capture spoils of war and systemically forces them into slavery (Greaser 2018). To achieve their purpose, ISIS established slave marketplaces known as 'Soq Al Sabay' (the market of slaves/spoils of war), where Yazidi women and girls were traded. To facilitate the viewing and selling of women and girls, a central body called the 'Committee for Buying and Selling of Slaves' was founded (Global Network of Women Peacebuilders 2020). Thus, R1 claimed that:

ISIS did not stop at killing, burning, and burying the Yazidis from Sinjar in mass graves; thousands of people were captured. In addition, several Yazidi women and girls were taken as war captives and sold as 'slaves' in the slave markets. These markets were opened in Mosul, Fallujah, and the Syrian Raqqa. For this reason, dozens of women committed suicide differently to avoid being raped and sold as

sexual slaves. This type of violence to which Yazidi women are subjected can be called all kinds of violence (psychological, physical, and sexual) with all its details.

According to reports, prices per woman increased from around USD 100 to USD 1,000. Some women and girls were resold eight times, sometimes for as little as a pack of cigarettes. Bride and sex slave pricing were determined by various factors, including age, physical maturity, marital status, perceived beauty, and the number of children; younger women were generally sold for more (Global Network of Women Peacebuilders 2020). Moreover, concerning the number of women who have been captured and victims of sexual slavery at the same time, there are numerous alternative estimations by Yazidi female members of the Iraqi Parliament who continue to work on the Yazidi women case in the Iraqi Parliament, including both of respondent's number 1 and number 2 of this study. For example, R2, in her statements, estimated as follows:

Except for Yazidi women and children sold in slave markets due to religious disagreements, enslavement and slavery did not exist throughout Kurdish history. However, more than 5000 Yazidi women were deported to military camps and sold as slaves in Mosul's slave markets, where they were referred to as 'nonbelievers' or 'Sabia' (slaves).

In addition, after the ISIS war, most returnees experienced additional trauma upon realizing the living conditions in the IDP camps in which they have to live; the experience of the Yazidi community has left lifelong scars, trauma, and hostility. Nonetheless, it has had unforeseen consequences for gender relations within the community (Kaya 2019). As R1 mentioned:

The situation of the Yazidi women survivors is very tragic. After their liberation, they returned to the camps that lacked the most necessities of living and faced many psychological difficulties, especially after what they had been subjected to from rape, buying and selling in slave markets, all of which made her injured double, in addition to losing her close relatives such as her sisters or her father, so when I met them, I feel that the world in its twenty-first century is more backward than its middle ages. Human rights are lost under the banner of revenge for God's rights, while God's rights are preserved, and human dignity is lost.

FORCED MARRIAGE

Forced marriage violates human rights, but under the Genocide Convention, it can also be used as a genocidal weapon. Forced marriage causes significant physical and emotional trauma, living conditions designed to kill the victim group, and birth control tactics (O'Sullivan 2011). Forced marriage is among the most prominent crimes against Yazidi women by ISIS jihadists. In certain circumstances, emirs order ISIS fighters to marry women or force them to marry Yazidi prisoners to avoid buying them (Counter Extremism Project 2017).

When asking about the type of violence that ISIS has committed against Yazidi women, specifically regarding forced marriages, the R2 has this to say:

ISIS has executed hundreds of Muslim women and their relatives for refusing to marry ISIS fighters. ISIS has a brutal disregard for women within its territorial control. Firsthand accounts indicate that ISIS repeatedly abuses and mistreats women in its territory, enslaving and molesting non-Muslim women and girls and abusing and restricting the movements of Muslim women and girls. According to rulings issued by ISIS, all females within ISIS-held territory - slaves and non-slaves alike - can be married to ISIS militants as young as nine years old.

Because Yazidism is not a missionary religion, others cannot convert to Yazidism and join their faith. In Yazidi culture, marrying someone with different faiths is forbidden; such conduct is embarrassing to the entire family. Honor killings have been committed against women and girls suspected of having connections with men of different faiths in the past. As a result, all Yazidis should be Yazidis from birth. Yazidi spiritual leader Baba Sheikh asked Yazidi followers not to punish or ostracize victims of sexual violence, forced marriage, or forced conversion after the first Yazidi girls and women escaped ISIS captivity (Rovera 2014). Regarding Baba Sheikh's speech, R1 mentioned this: "The Yazidi survivors are in a very dire situation, suffer from a difficult psychological condition, and have not been properly rehabilitated. Some Yazidi women survivors have requested their families to kill them after being raped, forced to marry, and converted to Islam".

Although many women and girls have been abused, some data show that the stigma persists, with survivors hiding the abuse from their families and fearing severe social implications for the future of these women and children. As a result, ISIS's systematic rape, sexual slavery, and forced marriage of Yazidi women and girls may be considered genocide because they purposefully created living conditions designed to kill Yazidis (Global Justice Center 2020).

PROTECTION OF WOMEN'S RIGHTS WITHIN THE FRAMEWORK OF IRAQI LAWS AND CONSTITUTION

Iraq has an estimated population that exceeds 39 million. Women account for half of the population in Iraq and head one in ten Iraqi households (Vilardo and Bittar 2018). Yazidi women are considered Iraqi women and bearers of Iraqi identity. Regarding women's security in Iraq, it applies to all women, regardless of ethnicity or religious affiliation (Kaya 2019). Within the scope of Iraqi legislation, Iraqi constitutions and laws enshrine women's rights so that the Iraqi constitution advocates the protection of women's rights and gender equality.

However, some laws that punish or justify specific acts of violence against women are still in place. But the lack of specific guidelines to handle other forms of violence weakens Iraq's responsibility to protect women's rights. Furthermore, even though laws exist, crimes against women are seldom openly reported and are not prioritized in the court system, resulting in deficient levels of prosecution (Global Network of Women Peacebuilders 2020). R3 of this study on the issue goes as follows:

Domestic and other forms of gender-based violence are common in Iraq, as is legal, political, institutional, and socioeconomic discrimination, as well as unequal access to education and work. This is the case even though Iraq has a strong and

resilient women's rights movement led by women who continuously face losses and lack political support. Furthermore, discriminatory clauses in Iraq's constitution of 2005, Iraqi Personal Status Law, and Iraqi Penal Code further harm women's rights.

In regards to Iraq's constitution of the year 2005, for the first time in Iraq's history, the 2005 constitution guarantees fundamental rights to all Iraqi women.

Furthermore, in its preamble, the Iraqi constitution of 2005 stated the protection of women's rights and children's issues and the promotion of a diverse culture (Efrati 2012).

Despite the above provisions to protect women's rights in the Iraqi constitution, there are legal and political obstacles that Iraqi women face when they try to exercise their rights, as stated in the 2005 constitution. In that case, some potential constitutional pitfalls threaten to render all rights meaningless, such as vagueness and discrimination. The legal deficiency in protecting Iraqi women's rights in armed conflict and promoting sectarianism (Moumin 2007). Accordingly, in response to the question of whether there is a legal loophole in the Iraqi constitution that protects the rights of Iraqi women, therefore R3 has this to say:

While Iraq's 2005 constitution provides citizens with a wide range of rights, including specific provisions protecting women from violence, it also contains many contradictory clauses that can detract from these rights, depending on how they are interpreted. Moreover, the constitution's provisions often conflict with existing legislation that still restricts women's rights in practice. However, the constitution includes provisions regarding equality and non-discrimination among Iraqis and the care of women and children. However, still, these provisions remain general and not applied in practice.

The vagueness of the Iraqi constitution is one of the obstacles in the articles referring to protecting women's rights. For example, Article 14 of the Constitution provides that: "Iraqis are equal before the law without discrimination based on gender, race, ethnicity, nationality, origin, color, religion, sect, belief or opinion, or economic or social status" (p. 7). This signifies that the constitution considered all members of Iraqi society, regardless of their distinctions, such as gender. This is evidence of equality before the law between men and women, yet it violates some sections in the current Iraqi Penal Code (111) of 1969. Furthermore, concerning political rights, Article 20 of Iraq's Constitution (2005) stipulates that: "Iraqi citizens, men, and women, shall have the right to participate in public affairs and to enjoy political rights including the right to vote, elect, and run for office" (p. 9). This article established equality between the sexes in terms of political rights, such as election and nomination. Also, under this provision, women enjoy the right to run for office and vote.

However, the interim constitution's provision for a 25% quota³ for women's representation in all decision-making bodies was shifted from the Chapter on Duties and Rights

³The term 'quota' is a Latin American term intended for a share or quota. It was first used in the United States of America on the policy of compensation for the disadvantaged groups (black minority) in the sixties of the last century. See: Electoral Gender Quota Systems and their implementation in Europe (International Institute for Democracy and Electoral Assistance 2003).

to the Chapter on Transitional Laws, which means that the quota might be abolished at any time in the future. Without the quota, which the women's movement has long desired, Iraqi women will find it extremely difficult to engage in politics due to male dominance (Efrati 2012).

Another obstacle to the Iraqi constitution is discrimination. For example, the constitution states in Article 2 that: "Islam is the official religion of the state and is a basic source of legislation" and "No law can be passed that contradicts the undisputed rules of Islam" (Iraq's Constitution 2005, 4). While talking about the article mentioned above and getting into the framework of protecting women's rights in the Iraqi federal constitution, R3 followed her remarks about the discrimination of the provisions and pointed out:

The effect of these provisions is limited or likely to conflict with other provisions of the constitution, which led to discrimination, such as Article 2. At the same time, the same article states that legislation that contravenes democratic values or the constitution's rights and fundamental freedoms cannot be passed. Because it is unclear who has the power to interpret Islam, this article is problematic. Some clergy, for example, believe that husbands have the right to discipline their wives and that Islam does not mandate a minimum age for marriage, and hence oppose legislation criminalizing domestic abuse or child marriage. Furthermore, it is unclear what action should be taken if the provisions of Islam appear to conflict with the constitution's guaranteed rights and freedoms or vice versa. In practice, some laws align with constitutional rights and freedoms but are viewed as contradicting Islam or reflect Islamic jurisprudence but conflict with constitutional rights.

On the other hand, despite Iraq's legal commitments under international conventions and the Iraqi Constitution to achieve gender equality, the Iraqi Penal Code of 1969, which contains sections that overtly discriminate between men and women, remains in force. The Penal Code effectively excuses or legitimizes various forms of domestic violence against women. Furthermore, it allows perpetrators of heinous crimes against women, like 'honor' killings, to obtain reduced penalties (United Nations Development Programme 2018). Article 41 of the Penal Code states: "The punishment of a wife by her husband, the disciplining by parents and teachers of children under their authority within certain limits prescribed by law or by custom" (Iraq Penal Code No. 111, 1969, 11). This article considers the punishment of a wife by her husband, within certain limits prescribed by law or by custom, to be a 'legal right' and, therefore, not a criminal act. This provision effectively legalizes domestic violence. Moreover, the boundaries of this 'punishment' are vaguely defined, potentially allowing for a wide range of violations of different severity (Puttick 2015). R3 provides more information on the legal deficiencies in the Iraqi penal code that affect women's rights in Iraq as:

Regarding violations of women's rights under Iraqi criminal law, however, the legal deficiency is not only the lack of law or lack of implementation of articles but a part of that also a set of legal deficiencies, including gender inequality. Violations of women's rights and the existence of violence have made the crimes committed by the woman to be more challenging to sentence. The woman will be a victim and pays double the price of the crime, and under some articles of the Iraqi penal

code, gender inequality and violations of women's rights are seen despite the Iraqi Penal Code law's duty to punish the offender for their crime regardless of race, religion, or any other reason.

'Honor' killings remain widespread in Iraq due to a lack of legislation to prevent and punish them, as well as penal code clauses that all but encourage them by providing reduced sentences for murder in certain circumstances. In 2017, the Iraqi Ministry of Interior's Family and Child Protection Unit reported 272 'honor' crimes to the police and submitted them to the courts. However, due to a lack of reporting, figures on 'honor' killings are likely undercounted, and they are usually misclassified as accidents or suicides to avoid prosecution (United Nations Human Rights Committee 2020). Accordingly, Article 128 states that:

First: Legal excuse either discharges a person from a penalty or reduces that penalty. Excuse only exists under conditions that are specified by law. Notwithstanding these conditions, the commission of an offense with honorable motives or in response to the severe and unjustified provocation of a victim of an offense is considered a mitigating excuse. Second: The court must identify in its decision the excuse that discharges a person from a penalty (Iraq's Penal Code No. 111, 1969, 34).

Furthermore, Article 128 specifies that if an offense is done based on 'honor' or in reaction to the victim's provocation, then it constitutes grounds for mitigation (Puttick 2015). Furthermore, according to Article 130, the corresponding penalty is considerably lowered when a mitigating excuse exists for an offense. The death penalty is reduced to a term of no less than one year in imprisonment, and a life sentence is reduced to a sentence of no less than six months in prison. These Penal Code sections provide legal justification for murder and other violent crimes against women on various grounds and allow perpetrators of such crimes to obtain significantly reduced terms (United Nations Human Rights Committee 2020).

With the rise of ISIS, the legal and cultural norms that enable 'honor' killings in Iraq have worsened the severe rates and varieties of gender-based violence against women and girls (Davis 2016). While responding to a question on the practical problems associated with Iraqi legal norms to protect Yazidi women's rights after the ISIS war in Iraq, R1 said:

Many women victims are still at risk of 'honor' killings if they return home after the fight with ISIS due to the perceived 'dishonor' they bring to their families and communities. In general, crimes committed by ISIS fall under more than one legal sanction, yet the trial and punishment of ISIS criminals remain an outstanding issue. As legal experts from the Yazidi community, we are concerned about all these legal shortcomings in the Iraqi Penal Code. Regarding the discrimination in the legal articles that punish ISIS prisoners, the Iraqi government and the legislative and judicial authorities must deal transparently with the crimes committed by the terrorist organization ISIS without ignoring the changes in provisions.

Many Yazidi families are concerned that abducted women will be barred from marrying and unable to sustain themselves (Rovera 2014). As a result, numerous local women's rights

organizations have begun to provide services to displaced people, including peer-to-peer education programs to identify sexual violence survivors and facilitate access to secure housing and psychosocial care. These same advocates also run educational outreach programs to dispel damaging stereotypes about women and honor (Davis 2016).

IRAQ'S REPARATION LAW FOR YAZIDI FEMALE SURVIVORS

On 1 March 2021, the Iraqi Parliament passed the Yazidi Survivors Law, which provides a compensation framework for many survivors of ISIS crimes, including women and girls who have been sexually abused, as well as child survivors who have been abducted before the age of 18 (Amnesty International Iraq 2021). The statute provides a monthly salary, a plot of land or dwelling unit, support for re-entering school, access to psychological and other health treatments, and other critical aid (Amnesty International Iraq 2021). About the Yazidi survivors, R2 and R4 pointed out:

The Yazidi Survivors Law, which the Iraqi Parliament approved, would have been good for their justice. If the law is fully implemented, it may contribute to their reintegration, end some of their sufferings and give them material assistance to live with dignity, facilitate their affairs even a little, and support them psychologically by opening specialized rehabilitation centers and other things. The law has essential points, including opening a special directorate in the name of Yazidi survivors and an academic Yazidi runs it. The law also aims to (compensate survivors, rehabilitate and care for survivors, provide educational attainment opportunities, provide job opportunities, search for the kidnapped, provide a monthly stipend, tacit admission of genocide, and no general or special amnesty for perpetrators of crimes).

The Yazidi Female Survivors Law for 2021 is a good step toward material and spiritual compensation for women and girls victims of the ISIS war. Still, despite the Iraqi government's efforts, Iraqi legal experts have criticized the law, claiming that it contains many legal gaps and deficiencies that do not address the problems faced by Yazidi women survivors after the ISIS war (Bor 2019). In regards to legal deficiencies in the law R3 mentioned that:

The law on Yazidi women survivors passed by the Iraqi Parliament is a tiny step in the hundreds of actions the Iraqi government has all three powers (legislative, executive, judicial) to take. The most crucial compensation to heal the wounds of women survivors of ISIS was to prosecute members of the terrorist group ISIS so they could be punished. This is one of the legal gaps in this law because punishing the perpetrators of ISIS is far ahead of compensating the Yazidi women victims.

Just as R3 pointed out above, one of the legal deficiencies in Iraq's reparation law for Yazidi female survivors is the lack of links to other Transitional Justice Mechanisms. Reparation programs should go hand in hand with criminal justice, institutional reform, and truth-seeking. The Iraqi government should have guaranteed justice at the domestic and international levels, which is the main compensation for Yazidi women victims of violence, such as the Iraqi authorities' attempt to establish a national court to try ISIS prisoners. The Iraqi government

should pay attention to internationalizing the Yazidis case and recognizing ISIS's atrocious crimes as crimes against humanity and war crimes (Bor 2019).

Another legal deficiency of this law is that children born as a result of sexual violence by IS members and their mothers' needs are not officially mentioned in the law. This is a critical omission that must be remedied to ensure that all Yazidi survivors receive justice because children born under ISIS captivity from a Yazidi mother and ISIS member face a lack of valid identity documents (Amnesty International Iraq 2021). As R4 said: "There are many legal barriers to obtaining documentation for children born due to ISIS rape and in ISIS territory in Iraq, which is very difficult and generally referred to as a significant barrier to parenting. It is also an obvious problem facing the Iraqi authorities at present".

Article 19 para 2 of Iraq's National Identity Card Law, No. 3 of 2016, which the Parliament passed on 27 October 2015, states that: "The name of the baby born is considered complete if it includes the person's abstract name, his father's age, the correct grandfather's name, and the surname if any" (p. 15). According to this National Identity Card Law article, a child born must follow the father's name. Unfortunately, reliance on this legal article creates a legal gap when most children born due to sexual violence on the ISIS father do not know precisely who their birth father is.

Furthermore, Article 26 para 2 of Iraqi National Identity Card Law 2016 indicates that: "children follow the religion of Islam from the Muslim parents" (p. 18). Therefore, the Yazidi community does not accept these children because only children born to two Yazidi parents can be considered to belong to the community. Thus, the Iraqi authorities must address the plight of these women and children by explicitly providing compensation for children born to sexual violence and taking all necessary measures to ensure that these women and children can live together safely. But this law has not addressed this issue, and it remains pending until this study is conducted. As the R4 of this study topped up his remarks as follows:

Under current Iraqi standards, Yazidi women who have given birth due to rape by ISIS fighters must register their children as Muslim. Otherwise, their children are left undercounted, prohibiting them from registering for school and receiving other basic services. Previous draft versions of the law had articles seeking to address this issue, but these articles were removed from the draft of the bill due to a lack of consensus. As a result, a fundamental issue confronting the community remains unaddressed.

As R4 mentioned, the previous bill, through some articles, attempted to indicate the issue of children born from Yazidi mothers and ISIS militant members. For example, the bill mentioned such as: "The legal situation of children born of surviving mothers following the law" and that "the existing laws shall apply to the newborn of a Yazidi female survivor" (Ceasefire Centre for Civilian Rights 2021). However, due to a lack of consensus, this material was omitted from the final version.

FINDINGS

As expressed by Yazidi women survivors of ISIS, this study found that between 2014 to 2017, the ISIS terrorist group committed violence against Yazidi women in several ways, including capture, murder, transfer, sexual violence, sexual slavery, forced marriage, forced pregnancy, rape, women trafficking, displacement and abduction. Additionally, this study found that Yazidi women and girls have been subjected to the most heinous crimes involving genocide, war crimes, and crimes against humanity, as stipulated under Articles 6, 7, and 8 of the Rome statute of the ICC. Accordingly, the jurisdiction and functioning of the court shall be governed by the provisions of this statute.

Thus, despite several legal provisions in the Iraqi laws and constitution related to protecting women's rights, these laws contain several legal deficiencies. The Iraqi legal authority has made no effort on this issue. This study found that the latest Yazidi Female Survivors Law, an attempt by the Iraqi Parliament to compensate Yazidi women, victims of the ISIS war, contains many legal shortcomings and ambiguities and does not include the necessary legal compensation mechanisms. Also, the law has not decided the fate of children born to ISIS fathers and Yazidi mothers during the ISIS war, and there is no specific law that officially guarantees their fundamental civil rights, especially the right to register and issue documents related to identity and Iraq's national identity cards.

Based on the findings and despite Iraq's membership in several international treaties and agreements on the issue of establishing national security and protection, there is no provision under the laws to protect women's rights during armed conflicts.

RECOMMENDATIONS AT THE INTERNATIONAL LEVEL

The international community should make every effort to refer the Yazidi women violations case as genocide, war crimes, and a crime against humanity by the Security Council to the International Criminal Court Directly under Article (13) of the court system, which has the right to refer the case to the court under Chapter VII of the United Nations Charter. Furthermore, it would be advisable to create an international protection mechanism and rehabilitate conflict-affected areas in Sinjar in partnership with Iraqi and Kurdish authorities while supporting ongoing efforts to achieve criminal and social justice for Yazidi women and girls. These are critical measures for ensuring the Yazidi community's survival in Iraq and allowing them to envision a future in the country.

Moreover, the international community needs humanitarian intervention, especially those working to protect women's rights, by forcing the Iraqi Parliament and government to amend or enact new laws related to protecting women's rights in peace and war. Another essential attempt is for the international and civil organizations must ensure that documentation efforts with survivors of sexual violence and slavery include psychosocial support mechanisms to provide preliminary assistance to witnesses and survivors, as well as train staff on ethical trauma-informed treatment of survivors, including ensuring that services are provided without prejudice, particularly against ethnic and religious minorities, to return to society a better version of themselves.

RECOMMENDATIONS AT THE NATIONAL LEVEL

The Iraqi government should take all necessary measures and make all efforts, in strict compliance with applicable international law, including international humanitarian law and human rights law, to put an end to human rights violations committed by ISIS and protect Iraqi women from the effects of these violations.

Moreover, the Iraqi government should Repeal or fundamentally reform discriminatory laws against women within the Iraqi legal system following international standards. Furthermore, the Yazidi Female Survivors law needs further development, especially on weighty issues related to the principle of punishment, and compensation for Yazidi women must meet their needs. Therefore, more needs to be done to address the stigmatization of children fathered by ISIS members by law; it is a duty of all three of Iraq's powers (legislative, executive, judicial) to reform Iraqi legislation to protect the rights of all Iraqi women and their children, to integrate better the children born of the ISIS conflict into society, and to avoid marginalization which may render them vulnerable to terrorist radicalization and recruitment. Iraqi authorities must take active measures to terminate and prevent the acts of retributive justice that seek to punish members of ISIS and their affiliates collectively.

For the Iraqi government and authorities to prevent the repetition of such crimes and further violence, issues related to violence against women, especially sexual violence in conflict, there is a need to pass a special law to protect women's rights in armed conflicts and war circumstances. Furthermore, the government should be committed to the Iraqi National Action Plan (INAP) to effectively implement the United Nations Security Council Resolution (1325) on Women, Peace, and Security (WPS). Finally, the Iraqi government should provide a decent life for the Yazidi women survivors of the war against ISIS who currently live in camps in the Kurdistan Region.

CONCLUSION

Women and girls are targeted and victimized during armed conflicts and mass atrocities. To strike at them is at the heart of a culture and society. Today, the problem of violence against women is receiving substantial media coverage, and it has occupied the international community in connection to the phenomenon of ISIS. The use of sexual violence, rape, sexual and other forms of slavery, and other forms of violations, is widespread among them. This study highlighted the problem of violence against women in war through recent living examples, such as women in the ISIS war from 2014 to 2017. Through empirical data in the first part of this study, the main forms of violence against women and the painful stories of Yazidi women were identified in detail through qualitative interviews with Yazidi women and girls who survived the ISIS war. Also, this study analyzed the legal framework for protecting Iraqi women's rights through a Yazidi women case in the ISIS war in Iraq. The study used primary and secondary data, such as qualitative interviews (semi-structured) with Iraqi legal experts, to achieve the second research objective of the study.

The qualitative data strengthened the views of legal scholars who argued that Iraq does not have an adequate legal framework to protect women's rights during war and peacetime. The

second section critically analyzes the legal and structural framework of Iraqi laws and bills related to women's rights violations. Nevertheless, it serves as another evidence of how woefully flawed the current judicial system is for defending the rights of Iraqi women, with significant flaws and legal loopholes. In light of international and local best practices explored by this paper, the Iraqi legal authority must promptly address the laws protecting women's rights and special needs during and after armed conflicts.

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All procedures performed in studies involving human participants followed the ethical standards of the institutional and/or national research committee and with the Declaration of Helsinki and its later amendments or comparable ethical standards.

Statement on the Welfare of Animals:

This article does not contain any studies with animals performed by any authors.

Informed Consent:

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KAZAKHSTAN AMID UNREST AND INSTABILITY: MAIN IMPLICATIONS

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Abstract: *This paper explores the reasoning and implications of the unrest in Kazakhstan unleashed in January of 2022. This crisis was the most severe form of violence that Kazakhstan has endured since gaining independence. It distorted Kazakhstan's image as a stable country. While the crisis was limited to the territory of Kazakhstan and developed mainly from domestic problems, it undeniably acquired an important international element. Kazakhstan's appeal to the CSTO presented a drastic change in Kazakhstan's foreign policy and ensued in the shift in the balance of power in the greater Eurasian region. Although Russia played a relatively subtle role on the ground, Russia's involvement was set to link the political future of Kazakhstan to Russia for an unspecified amount of time. The study concludes that Kazakhstan is faced with the challenges of undertaking significant reforms to lower the possibility of further instabilities while remaining true to its multi-vector foreign policy agenda amid Russian intrusion.*

Keywords: *Kazakhstan; Unrest; CSTO; Russia; Reforms*

INTRODUCTION

The 2019 leadership change in Kazakhstan, entailing the long-time President Nursultan Nazarbayev stepping down, invited opportunities for genuine reforms toward democratization. The newly-elected incumbent President Kassym-Jomart Tokayev has promised these reformatations and asserted his commitment to maintaining the 'listening state' approach, which effectively responds to all constructive requests of its citizens. Meanwhile, despite numerous calls for systemic reforms, President Tokayev has appeared to maintain continuity as the former ruling elite retained significant levers of power.

In January 2022, Kazakhstan faced an unprecedented crisis. The popular uprising, although incited by the rise of gas prices, has roots that run much more profoundly. The lingering frustration over a wide array of issues, including social and economic disparities, informal patronage networks, and the unfulfilled promises of reforms, has prompted the outbreak of civil unrest. Though the crisis was addressed rather quickly and was soon overshadowed by the events in Ukraine, it has severe political and socio-economic implications.

Beyond Kazakhstan, the crisis has attracted the attention of the wider region, including neighboring countries Russia and China, as well as the Western powers. President Tokayev's appeal to the Russian-led Collective Security Treaty Organization (CSTO) to impede the violence represented a substantial change to Kazakhstan's foreign policy. It was unprecedented for Kazakhstan and the CSTO, which had never deployed a similar mission before.

This paper specifically addresses the following questions:

1. What issues triggered the crisis of 2022?
2. What are the major foreign policy implications of the crisis?

CONTINUITY IN CHANGE

Kazakhstan has a long history of standing amongst the region's countries for the ambitious goals set by its leaders. In 1997, Kazakhstan's first President, Nursultan Nazarbayev, launched the vision 'Kazakhstan 2030' as a roadmap for the country's development. In 2012, he went even further and announced the 'Kazakhstan 2050' program - a strategic vision designed to pursue the goal of joining the 30 most advanced countries in the world in terms of a wide range of economic, social, environmental and institutional measurements. These initiatives shared a common feature: they prioritized economic development while being very 'modest' regarding political reforms. The model of the country's development was primarily based on using rich natural resources to build a modern economy capable of strengthening the middle-class (Cornell 2021, 12).

As it pertains to the general terms of its goals, this model succeeded. Still, it was built on a social contract, with citizens trading their rights and political freedoms for more favorable economic conditions. While the former President had outlined ambitious visions for Kazakhstan as one of the world's most developed states by the mid-century, international directories pointed to the low progress of the country in terms of the rule of law, accountability, control over corruption, etc. (Cornell 2022, 4).

Consistent with the ruling elites' authoritarian strategies to legitimize in oil-rich countries, Nazarbayev would attribute the persisting economic and political shortcomings to external factors, such as dwindling oil prices, geopolitical crises, global fluctuations, etc. (Terzyan 2020).

Reform initiatives in the political sphere commenced after the election of President Kassym-Jomart Tokayev, a long-time foreign minister of Kazakhstan. Initially, Tokayev abandoned the slogan of Nazarbayev 'economy first' in favor of changes in politics and the economy in a parallel track. The main slogan of the new policy was the increase in participation in the political and social life of the country (Pachucki-Włosek 2022, 235). President Tokayev has promised to build a 'listening state', committed to delivering reforms that would improve freedoms and make the government more responsive. Nevertheless, genuine reforms were never actually implemented.

Despite Nazarbayev having left the presidency, it is widely believed that he has not left power. This process resembled 'a managed-designation transition' (Blackmon 2020), with Nazarbayev still being a decision-maker in Kazakh policy. He continued to hold the title of Elbasi, leader of the nation, remained head of the Nur Otan party, was proclaimed as the lifelong head of the National Security Council, continued to represent Kazakhstan on the world stage,

and possessed far-reaching powers to appoint the leading state officials (Isaacs 2020, 2). The reforms initiated by President Tokayev were mostly symbolic or surface-level. The establishment of the National Council of Public Trust in mid-2019 was among the major achievements on the path of a more 'listening state'. It was aimed to engage civil society more closely in policymaking. The Council, however, was formed with no clear criteria for the inclusion of members, and the degree of public involvement in genuine decision-making remained somewhat limited (BTI 2022). Other modifications set forth the articles in the Criminal Code on libel and incitement of hatred, election and party registration procedures, and introduced the notion of a 'parliamentary opposition'.

Meanwhile, informal inter-elite decision-making continued to substitute formal political competition. Kazakhstan's bicameral Parliament remained monopolized by the former President's Nur Otan party, with two other pro-government parties creating the appearance of an opposition (Freedom House 2021). Thus, the reforms were primarily assessed as 'declarative' with no substantive democratic changes.

As it concerns human rights, Kazakhstan has always portrayed itself as a stronghold of interethnic peace, whereas, in reality, the society and the state have become ethnically 'more Kazakh' in the years after its independence. Throughout his presidency, Nazarbayev was actively promoting the idea of inter-ethnic tolerance as an essential principle. Meanwhile, since the first days of Kazakhstan's independence, its government had to balance the nationalist demands for increased 'kazakhization' and the rights of ethnic minorities (Daminov 2021). Before 2022, the most severe episodes of human rights abuse and interethnic violence in Kazakhstan were related to miners' protests in the Western part in 2011. To advance their interests and play a more significant role in controlling Kazakhstan's resource-based development and financial flows, regional criminal-political actors weaponized peaceful protests by striking oil workers. At least sixteen unarmed protesters were killed and dozens injured due to police fire (Markowitz and Omelicheva 2021, 13).

Nazarbayev's resignation seemed to create a window of opportunity to improve the country's troubling human rights record. 'Different views, but one nation' was an encouraging slogan the new incumbent voiced on his inauguration day (Bohr *et al.* 2019, 38).

Since 2019, Kazakhstan has been working with the Council of Europe on sectoral improvements in human rights and the rule of law. In September 2020, Kazakhstan signed the Second Optional Protocol to the International Covenant on Civil and Political Rights, committing to abolish the death penalty. On June 2021, President Tokayev signed a decree 'On further measures of the Republic of Kazakhstan in the field of human rights'. The international community positively received the plan. It includes the liberalization of religious legislation, the abolition of the death penalty, policies designed for women's empowerment, etc. (The Astana Times 2022).

Regardless of some positive mobility in reforms, no consequential improvements occurred. A more recent outbreak of interethnic tensions took place in Southern Kazakhstan, where Dungans - members of a local Muslim ethnic minority of Chinese origin - were attacked by Kazakhs. Eleven people were killed, close to 200 were injured, and 20,000 people were reportedly displaced, having fled over the border to Kyrgyzstan (Freedom in the World 2021). Although it was widely believed to happen on ethnic grounds (Freedom in the World 2021), the

government characterized it as a brawl between Dungans and local Kazakh policemen during a traffic incident (Markowitz and Omelicheva 2021, 14). The concept of a nation-state remains widely accepted within Kazakhstani society. The authorities continue to cater mainly to the Kazakh ethnic majority, which accounted for almost 68.5% of the total population in early 2020, up from 63.1% in 2009 and 53.4% in 1999. Meanwhile, the share of ethnic Russians decreased from 23.7% in 2009 to 18.9% by early 2020 (BTI 2022).

In January 2021, Kazakhstan held its parliamentary elections, in which the ruling Nur Otan party retained its qualified majority in Mazhilis. The OSCE/ODHIR election monitoring mission concluded that the elections were “technically prepared efficiently” but “lacked genuine competition” and that the electoral process needed reform (HRW 2022). Kazakh authorities have continued their multi-year crackdown on government critics, targeting with criminal prosecution perceived or actual members of banned ‘extremist’ groups, including those participating in peaceful rallies. Courts convicted dozens of people in 2021, subjecting them to restrictions, including multi-year bans on engaging in political activities (HRW 2022). Thus, limited political reforms, persistent suppression of opposition and civil society members, and continued inter-ethnic tensions signaled a lack of genuine intention to promote systemic democratic changes. Moreover, economic hardships, aggravated by the Covid-19 pandemic, caused social dissatisfaction, and, to make things worse, a sharp increase in the cost of liquefied petroleum gas resulted in civil unrest.

THE OUTBREAK OF CRISIS IN 2022 AND ITS INTERNATIONAL DIMENSION

Overall, in recent years there has been a rise in protests in Kazakhstan. The city of Zhanaozen, where the January wave began, was the site of months of labor unrest in 2011 that ended when security forces shot and killed sixteen strikers. However, as the Oxus Society Protest Tracker documents (Central Asia Protest Tracker), demonstrations have become more frequent across Kazakhstan since 2014. They have been catalyzed by various issues, from the environment and politics to pensions and social support payments (ICG 2022).

A hike in the price of natural gas led to popular demonstrations that started on 2 January in Western Kazakhstan and overgrew in scope and focus. By 4 January, demonstrations in Almaty escalated. They soon changed character and included violent attacks on state institutions. In just a few days, Kazakhstan witnessed a ‘massive crisis’, the worst in over 30 years of independence, as President himself called it (The Astana Times 2022). President Tokayev branded the protesters as ‘terrorists’, threatening more force and shutting down communications (International Crisis Group 2022). In a televised address, Tokayev warned demonstrators would be ‘destroyed’ as part of a forceful ‘counterterrorist’ operation. In almost a week of protests, dozens have been killed, including citizens and police (Aljazeera 2022).

Although any opposition leader or political party has not united protesters, they included comparatively well-organized oil workers in Zhanaozen, Aktau, Aktobe and Atyrau, coal miners in Karaganda and copper smelters in Zhezkazgan, as well as liberal activists in Almaty. The protest was not centered on the topic of gas prices alone. The crisis came amid rising labor and occasional ethnic unrest in the country (Stronski2022). The protesters have various demands and grievances. Some of them were there to decry inflation. Others condemned the shortage of jobs.

Still, others were concerned with various related challenges: inequality of opportunity, corruption, injustice, lack of benefits, fuel prices, low wages, etc. In the meantime, their one unifying message was “Shal, ket!” or “Old man, get out!” (International Crisis Group 2022). This slogan referred to former President Nazarbayev, who maintained control over certain aspects of political and economic life.

For most of the past decade, the official rhetoric of Kazakhstan’s leadership has not coincided with the perceived reality of much of the country’s population. While Kazakhstan saw uninterrupted improvement in the standard of living in the 2000s, this is no longer true (Cornell 2022, 3). The unfulfilled promises of reforms initially voiced by Tokayev, the frustration with the leadership transition (which kept the old guard in place), and the economic stagnation provoked the crisis. The transfer of formal political power was not accompanied by any transfer of informal political and economic power, as is characteristic of post-Soviet societies.

Tokayev’s initial efforts to suppress the demonstration, warning of ‘tough’ repercussions and suggesting protesters were funded by outside forces, fuelled public anger even more (Stronski 2022). On 5 January, Tokayev appealed to the Russia-led Collective Security Treaty Organization, invoking Article 4 of the Russia-led CSTO Treaty, a mutual defense clause comparable to NATO’s Article 5. Within hours, a ‘peacekeeping operation’ was sent to Kazakhstan. The CSTO’s other members - Armenia, Belarus, Kyrgyzstan, and Tajikistan - also send token contingents of between seventy and 500 troops. This is the bloc’s first real engagement since its founding in 1999 (Trenin 2022). As experts argue (Lukyanov 2022), before the case of Kazakhstan, no oil-rich, highly educated country with vast territory had to seek its neighbors’ military help to deal with street protests. Article 4 of the CSTO Treaty states that an act of aggression (an armed attack that threatens security, stability, territorial integrity, and sovereignty) against one member state will be considered a collective act of aggression on all member states of the CSTO. To justify his decision in the eyes of the public and to bring in military support under the Treaty, Tokayev branded the demonstrators as foreign terrorists (Aljazeera 2022). Therefore, Tokayev’s narrative that foreign terrorist was behind the violence played a fundamental role in securing official support from the CSTO.

A far more plausible explanation for the appeal to the CSTO was that Tokayev could no longer trust the KNB and had serious doubts about other law enforcement bodies (Pannier 2022, 16). With reports of security forces moving to the protesters’ side, he may have feared he would lose control of the situation in the streets. This explains why he could not even deploy a relatively small, rapid intervention force entirely of Kazakhstani personnel. The CSTO assistance may have been planned to buy time to appoint trusted allies in key security positions (ICG 2022).

The appeal to CSTO can be regarded as a double-edged sword; it allowed Tokayev and his allies to preserve power, meanwhile linking Kazakhstan’s political future to Russian President Vladimir Putin, who helped deliver the commencement of the Tokayev era (Anceschi 2022). Since President Tokayev is the most associated with multi-vector foreign policy, such a step could not have been taken so effortlessly. Meanwhile, some major events have already demonstrated the decline in American and European influence in Central Asia and South Caucasus. The United States was a bystander during the war between Armenia and Azerbaijan in late 2020. The chaotic American withdrawal from Afghanistan epitomized American disengagement, and finally, the United States did not feature in any unique way during the crisis

in Kazakhstan (Cornell 2022). It simply urged the authorities to respond appropriately and proportionately while protecting the rights of the protesters and questioning the necessity of appealing to the CSTO (US Department of State 2022). The Kazakh authorities “certainly can deal appropriately with protests (...) So it's not clear why they feel the need for any outside assistance. So we're trying to learn more about it”, said the US Secretary of State” (BBC 2022).

Interestingly, China supported the CSTO in assisting Kazakhstan, with no role attributed to the Shanghai Cooperation Organization (SCO), which had been viewed as the main arena for security cooperation in Central Asia (Global Times 2022). Due to its geostrategic location, Kazakhstan is often referred to as the “buckle” in China’s One Belt One Road Initiative (Laruelle 2018, 100). The passive stance of China confirmed the narrative on the division of labor between these two powers in Central Asia: Russia is responsible for security, and China is in charge of the economy. Preserving its influence in the South China Sea is far more important to Beijing than showcasing its power in Central Asia (Stronski and Ng 2018). Meanwhile, on 10 January, before Tokayev announced a phased withdrawal of CSTO troops, China offered its security assistance. President Xi Jinping asserted that China resolutely opposed any foreign force destabilizing Kazakhstan and engineered a “color revolution” (Reuters 2022).

Considering the 30-year history of CSTO’s inaction, it is imperative to address why Moscow agreed to deploy troops in Kazakhstan. First, during that period, Moscow has grown ever more nervous about street protests at home and in neighboring countries, such as those that resulted in the ouster of Ukraine’s former President Victor Yanukovich in 2014 and those that demanded the removal of Belarus’ Oleksandr Lukashenko since 2020 (International Crisis Group 2022). Therefore, the deployment of troops was used as a legitimate step to stop the rise of a similar movement in Kazakhstan. Second, it was a major coup for President Putin in portraying the CSTO as a Eurasian counterpart to NATO, capable of providing aid to regional leaders who pose domestic and external threats to their power. Relatedly, helping Tokayev signified submerging him in Moscow’s debt in the long run, despite the country’s claims of a multi-vector foreign policy.

The deployment of troops was also a clear message to other states of Central Asia in addressing security threats. This mainly refers to Turkmenistan and Uzbekistan, neither of which are CSTO members but share a border with Afghanistan. Not once have Kremlin officials warned the Central Asian authorities about the threat from militant groups and reminded the two countries that they might need help in defending their borders (Pannier 2022, 16-17).

Furthermore, the CSTO military intervention targeted Turkish plans to expand the Organization of Turkic States, which promotes diplomatic, cultural, economic, and security cooperation between Ankara and Central Asian capitals, as well as the expansion of Turkish business interests in the region. Turkey convened an urgent meeting of the Organization of Turkic States regarding the situation in Kazakhstan, but the group’s diplomatic response tools are limited (Cohen, 2022). Against the backdrop of strengthening cooperation (in particular, militarily) between these two countries, Kazakhstan’s choice to appeal to the CSTO instead of the Organization of the Turkic States (OTS) indicates a symbolic connotation.

Although Russia’s intervention in the conflict attracted much attention, its actual role on the ground was somewhat limited and low-risk, designed more for its reputational

improvement. Nevertheless, the CSTO managed to prove that it was capable of transporting forces quickly to a country under threat.

IMPLICATIONS OF THE CRISIS AND PROMISES OF NEW REFORMS

Kazakhstan's image as a somewhat stable country in the region was shattered due to the crisis. Specifically, the international community harshly criticized Tokayev's order to shoot-to-kill without warning. The UN human rights experts called on the Kazakhstan authorities and security forces to halt their unrestrained use of force, including lethal force. They also reminded Kazakhstan of its positive momentum in moving towards a more open and accountable government in recent years and urged restraint and a recommitment to human rights and the rule of law (UN Human Rights Council 2022). On 19 January, the European Parliament passed a resolution (2022) calling for sanctions against government officials and "condemning President Tokayev's inflammatory rhetoric, including his portrayal of the protesters as 'terrorists'" (European Parliament news 2022).

As to the President himself, in tactical terms, Tokayev has emerged from the crisis as a victor, but in strategic terms, his position is far from straightforward. His popularity with the public is doubtful. Despite all his attempts to distance himself from the discredited circles of Nazarbayev, people have not forgotten that Tokayev is part of that entourage and that the former President chose him to succeed him (Umarov and Gabuev 2022). In addition, appealing for external help is a major loss of face for any government.

As to economic implications, since the period of unrest was short, did not entail long strikes, and was focused on the country's west and Almaty, economic losses were minimal. It did force the increase of oil and uranium prices. In the long run and depending on other political and economic events in Kazakhstan, including reform efforts, the events of January 2022 are likely to affect the investment climate (The Diplomat 2022).

Regionally, the international response to the Kazakh crisis illustrated the shifting balance of power in Kazakhstan and greater Eurasia, with Russia strengthening its reputation in the region.

A month after the protests, Tokayev announced his slogan, 'Let's Build a New Kazakhstan Together!' and promised new democratic reforms in the country, which included replacing officials on different levels across the nation. He dismissed the government to regain public support and restore calm and walked back the gas-price increase (Stronski 2022). By reversing price hikes and promising to deal with the severe economic inequalities in Kazakhstan, the government has acknowledged the legitimate nature of the grievances behind the protests that swept the country (Cornell 2022, 2).

In the aftermath of the crisis, Tokayev has also reduced the influence of former President Nazarbayev's family and associates in the country's politics and economy while promising to hasten the speed of political reforms. On 6 January, he removed former President Nazarbayev as chair of the National Security Council and his allies from other vital positions (International Crisis Group 2022). There has even been an online petition has been launched to restore the name of the capital to Astana instead of Nur-Sultan. Tokayev also announced plans to set up a People of Kazakhstan wealth fund that would collect 'donations' from large corporations that thrived

under Nazarbayev to pay for social services. The idea has been borrowed from its neighbor Kyrgyzstan. After President Japarov came to power in Kyrgyzstan, he pledged to help top up the state's bare coffers by forcing corrupt officials to surrender cash to avoid prosecutions (Eurasianet 2022).

A wide array of other political reforms has been further introduced. In his 16 March message to the people of Kazakhstan (State-of-the-Nation Address 2022), Tokayev proposed constitutional reforms to limit the powers of the President's office, switching from 'super presidential' rule to a presidential republic with a strong parliament. He suggested reducing the powers of the President and significantly strengthening the Parliament's role, thereby increasing the state's institutional stability. The President also highlighted the importance of the Maslikhats (local governing bodies) to increase citizens' confidence in the representative government. In addition, he suggested simplifying party registration procedures, reducing the threshold from 20,000 to 5,000 people. More importantly, he proposed that close relatives of the President be barred from holding high-ranking government posts and executive positions in the quasi-public sector.

The President asserted that the January events 'damaged Kazakhstan's international reputation' but pledged it would be rebuilt by 'hard work' (The Astana Times 2022). However, regardless of the proposed reforms, the people of Kazakhstan are now more skeptical about their realization. For some, this is merely a populist tactic to settle the citizens following the bloody riots. The re-establishment of public trust essentially depends on the success of the process of 'de-Nazarbayevication' and on whether actual reforms towards democratization will eventually be undertaken.

CONCLUSION

Thus, the crisis shattered Kazakhstan's international image as a beacon of prosperity and stability. It exhibited, amongst others, that the leadership change will not lead to considerable changes as long as informal institutions and practices persist. Regardless of Tokayev's initial promises of reforms and his commitment to 'a listening state', the social contract between the state and the society has not been broken yet. The limited nature of political reforms, the persistent repressions of opposition and civil society members, and informal patronage networks have all beckoned a lack of authentic intention to stimulate systemic democratic changes.

Although the unrest was limited to Kazakhstan, it significantly shifted the balance of power in Kazakhstan and greater Eurasia. The CSTO support was vital in keeping Tokayev in power, and, as such, it is supposed to link Kazakhstan's political future to Russia indefinitely. Furthermore, it reinforced the image of Russia as a powerful and effective force for ensuring 'regional stability' that essentially comes down to ensuring regime stability. It presented a novel opportunity for the Kremlin to portray the CSTO as the Eurasian version of NATO. The deployment of troops was a well-defined signal to other states of Central Asia (in particular, the non-CSTO members Turkmenistan and Uzbekistan sharing a border with Afghanistan), which might find themselves in future need of addressing security threats, including those pertaining to regime survival.

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INDIA-CHINA STRATEGIC COMPETITION IN THE INDIAN OCEAN

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Abstract: *The XXI is considered by major countries in the Asia-Pacific region as 'the century of sea and ocean' and is accompanied by fierce competition among the nations to gain interest in the sea regions. On the basis that previously only considered the competition for military objectives, geostrategic bases and traffic channels through the straits, nowadays, countries worldwide have stepped up the competition for economic interests and marine resources. The development of military power and the competitive activities for resources at sea show clear the tendency to use the sea to contain the continent. In that context, the Indian Ocean, as the world's third largest ocean, has an important geographic location and rich and diverse natural resources; the arterial sea route is gradually becoming the center of new world geopolitics and an important area in the strategic competition between two 'Asian giants' - India and China. The competition between these countries in the Indian Ocean is growing and profoundly impacts the region's stability and security. This article focuses on the position and important role of the Indian Ocean in the policies of India and China, the fierce competition between the two countries in nearly two decades of the XXI century.*

Keywords: *Indian Ocean; India; China; Competition; Strategy*

INTRODUCTION

In recent years, the world and the region have witnessed the rise of both India and China. As neighboring countries that share a border of about 4,056 km and are the largest economies of the Indo-Pacific region, the fierce competition between these two powers will considerably impact the region's general situation. The recent rise of China has dramatically changed the regional and world power structure.

As the world prepares to enter the third decade of the XXI century, the strategic competition between China and India, the two great powers of Asia, is increasingly fierce. According to Dibyesh Anand: "An important factor in China's view is the idea of being the 'big man', the sole emerging power, while from the Indian side, it is an idea recognized by the international community and respected as China" (The Time of India 2020). In the current situation, China and India have established grand strategies at regional and global levels to

achieve overarching strategic interests. As for the Indian Ocean, which has an important strategic position, China and India have strengthened their close relationship, trying to find ways to connect this region in their calculations strongly. China and India today have territorial disputes, borders and global ambitions. Both are large markets and care deeply about safe and cheap trade routes and energy security.

At the same time, China and India have a long-standing traditional bilateral relationship, especially in trade and investment cooperation. However, protracted border conflicts, disputes, and economic and security concerns force these two neighbors to adopt a strategic approach to the competition rather than more cooperation. In terms of the nature of the relationship, India and China are opposed in terms of ideologies, are in conflict over strategic ambitions and goals, do not trust each other, but still have to cooperate to a certain extent, limited with each other, and head-to-head competition pervades the bilateral relationship.

In terms of the strategic interests of the two countries, China implements a competitive strategy to prevent a powerful India and tries all ways to restrain India's development, prevent the increase of cooperation between India and other countries in the region, especially the close economic, political, security and defense relations between the four countries, namely the US, Japan, India and Australia. Meanwhile, India identifies China as the main force that threatens India's security and development. Always in a weak position compared to China, India has never let down its guard against China, distrusted China, and passively dealt with China. The Indo-China relationship in the Indian Ocean is, to a certain extent, a 'mirror' reflecting the broader strategic relationship of these two countries, combining elements of cooperation, coexistence and competition.

INDIA-CHINA STRATEGIC INTERESTS IN THE INDIAN OCEAN

The Indian Ocean's Geostrategic Position

The Indian Ocean, the world's third biggest ocean after the Atlantic and Pacific Oceans, is between Asia, Oceania, Africa, and Antarctica and encompasses approximately 1/5 of the world's total ocean area (Varma 1967, 51). The Indian Ocean is a link between these four continents and a vital transportation corridor between the Atlantic and Pacific Oceans. Historically, Western powers such as Portugal, the Netherlands, France, and the United Kingdom understood the Indian Ocean's strategic importance and battled for control of the ocean. The Portuguese built commercial posts in Goa and seized control of strategic sites in the Indian Ocean after discovering the Cape passage. They took control of the Red Sea, the Persian Gulf (in Socotra and Ormuz), and the Malacca Strait. The Portuguese monopoly on commerce in the Indian Ocean ended in 1641 when the Dutch took over Malacca. The British also achieved dominion over this ocean after decades of conflict between major nations. They drove the Portuguese out of Ormuz (1822), captured the Strait of Malacca (1759), defeated the Dutch at Trincomalee (1781), defeated the French at Mauritius (1810), captured Singapore (1819), and occupied strategic islands such as the Maldives, Seychelles, Chagos Islands, and finally Aden in 1839. The British acquired 'the most total dominion of all time' in the Indian Ocean with the opening of the Suez Canal in 1869 (Kaushik 1987, 14). At the start of the twenty-first century, the Indian Ocean

established itself as a significant maritime 'region' and a new political 'stage' for major nations, owing to its strategic security and economic significance.

Regarding strategy and security, the Indian Ocean has the highest concentration of waterways globally, with a strait serving as a vital transit conduit and a 'key' to global energy security. Additionally, the Indian Ocean is one of the busiest worldwide maritime commerce lanes, accounting for 1/4 of all global seaports and 1/5 of all cargo imported and exported (Zhu 2018, 4). Each year, over 100,000 boats sail through the Indian Ocean's waters (Singh 2016, 151), including 2/3 of all oil tankers, 1/3 of all big cargo ships, and half of all container ships in the globe. Each year, crude oil carried across the Indian Ocean amounts to 46.5% of all crude oil shipped by sea, while crude oil products account for 70% of global production. Annually, the value of two-way international trade over the Indian Ocean exceeds one trillion dollars (Vietnam News Agency 2013, 3).

The Indian Ocean is also home to some of the world's most vital sea lanes and strategic 'chokepoints'¹ - the Suez Canal, Bab-el-Mandeb, and the Strait of Hormuz in the northwest, the Mozambique Channel in the southwest, the Malacca Strait, Sunda Strait, and Lombok Strait in the southeast, and the Cape of Good Hope in the southeast. Among the Indian Ocean's major maritime waterways, the Strait of Malacca and the Strait of Hormuz are of critical strategic importance. Each day, 32.2 million barrels of crude oil and gasoline are moved across these two straits, accounting for more than half of the world's marine oil traffic. The Indian Ocean accounts for over 40% of offshore oil production (Karim 2017, 57). This implies that gaining control of the Indian Ocean maximizes its abundant natural riches and allows for the containment of other countries in the area via shipping via the 'blood-vessel' maritime route.

Economically, the Indian Ocean is provided with abundant natural resources, tremendous marine economic potential, and significant riches in the form of oil, natural gas, minerals, and other resources. Mineral resources, primary oil and natural gas, are concentrated in the Persian Gulf. Oil reserves comprise 62% of global oil reserves, while natural gas reserves comprise 35% of global natural gas reserves. In terms of metals, the Indian Ocean is extremely rich, with 60% uranium, 40% gold, 80% diamond resources, and a variety of other minerals (Reddy 2016, 193). Additionally, numerous other mineral resources are available in coastal areas, including tin (56.6%), manganese (28.5%), nickel (25.2%), natural rubber (77.3%), iron, bauxite, titanium, lithium, cobalt, and chromium, all of which satisfy world powers 'cravings' for the Indian Ocean region (Dowdy 1983, 434). Additionally, new geological investigations indicate the presence of numerous oil and gas resources in Myanmar and Bangladesh, as well as off their shores (Muni 2005, 92).

Along with the transfer of the world's strategic, economic, and political center to the Asia-Pacific area, the focus of attention for major countries at sea has switched from the Atlantic-Pacific to the Indo-Pacific region in the XXI century. It is quickly becoming a crucial battleground in the conflict of great powers because of its geostrategic importance and priceless resources. Alfred Thayer Mahan, dubbed 'the founder of sea power theory' said, "Whoever controls the Indian Ocean dominates Asia. This ocean is the key to the seven seas. In the twenty-first century, the destiny of the world will be decided on its waters" (Scott 2006, 98).

¹ Referring to a geographical location above ground such as a valley or bridge or at sea such as a strait.

The Strategic Interests of India in the Indian Ocean

The Indian Ocean is the only ocean in the world named after a coastal country. Thus, while discussing the Indian Ocean's physical structure, it is hard to overlook India and its 'God-given' geographical advantage in the Indian Ocean region. India is to the east of the Indian Ocean, is a continental power, and holds a crucial location in the ocean's center. Simultaneously, the Indian Ocean plays a critical strategic role in India's security environment. According to K.M. Pannikar:

Although the Indian Ocean is a significant ocean for other countries, it is a sea of life and death for India. India's trade is centered on the Indian Ocean, and India's freedom is likewise contingent on the freedom of this ocean's surface. Without safeguarding India's coasts, no industrial development, commercial progress, and stable governmental framework would be conceivable (Sarath 2019).

For an extended period, India aspired to be the dominating force in the Indian Ocean. India has traditionally considered the Indian Ocean to be its 'backyard', and this is a natural state of affairs (Berlin 2006, 60). It wants to be the most powerful and influential country in the Indian Ocean area. Within the Indian Ocean, India, as a maritime power encompassing the majority of the South Asian subcontinent, has a 7,516.6-kilometer-long coastline (including 1,762 kilometers of the Andaman and Nicobar Islands coastline and 132 kilometers of the Lakshadweep Islands coastline) and a 2-million-square-kilometer exclusive economic zone (Chu and Bach 2015). As a result, India's marine security environment is exceptionally complicated compared to the comparatively confined continental area. This intricacy was emphasized by Kavalam Madhava Panikkar (1945), the father of Indian maritime theory:

The Indian Ocean is distinguished from the Pacific and Atlantic seas because its primary characteristic is in the interior rather than on the sides. This ocean is located beneath the Indian continent, and India spreads hundreds of kilometers into the ocean, all the way to Cape Comorin. India's geographical location has altered the nature of the Indian Ocean (p. 19).

The geographical environment has inextricably linked India to the Indian Ocean, laying the groundwork for India's traditional 'towards the sea' approach. As early as 1958, Prime Minister Jawaharlal Nehru stated: "Whoever dominates the Indian Ocean would first result in the hegemony of others over India's maritime commerce, and then in India's independence" (Chu and Bach 2015). Thus, Indian maritime scholars assert that if the Indian Ocean region ceases to be a guaranteed sea of security, India's security and political position would be jeopardized by other countries, especially China.

The Strategic Interests of China in the Indian Ocean

The Indian Ocean is critical for China's marine commerce. China's critical energy imports from the Middle East must transit through the Indian Ocean to the South China Sea (Naidu 2015, 114). China's oil and gas imports come from the Middle East and Africa. In contrast, most

of its mineral imports come from West African nations, eastern South America, and Australia. The shipping route from the Arabian Peninsula to the western Pacific Ocean is regarded as the new maritime Silk Road. The Indian Ocean encompasses most of this maritime Silk Road, which serves as a vital sea route for China's critical resource imports and overseas commerce. By 2004, China had surpassed Japan as the most significant oil exporter in East Asia and had surpassed Saudi Arabia, Oman, and Iran as the world's second-largest oil importer, with approximately two-thirds coming from Saudi Arabia, Oman, and Iran (Klieman 2015, 211).

As a result, the Indian Ocean and the transfer of oil from Western Asia via the Strait of Malacca have grown in importance. Oil imported via the Strait of Malacca from the Persian Gulf to the northern Indian Ocean is estimated to account for 50% of China's total oil imports; oil imported via the Strait of Malacca from West Africa and Southeast Africa accounts for about 30% of China's total oil imports (Athwal 2007, 32). More than 80% of China's oil imports come via the Strait of Malacca. Additionally, this crucial waterway accounts for roughly 25% of China's exports to the Gulf and Europe (Mathur 2002, 554).

Furthermore, China's imports of other vital resources, such as iron ore, manganese ore, chromium, and non-ferrous metals, are mainly carried across the Indian Ocean. The Indian Ocean handles 40% of China's import and export commerce. As a result, China's security and the economy will likely suffer if the maritime route across the Indian Ocean is disrupted. India and China have strategic interests in the Indian Ocean and cannot afford to overlook this critical waterway. In the Indian Ocean area, competition between the two countries is unavoidable.

THE INDO-CHINA STRATEGIC COMPETITION IN THE INDIAN OCEAN DURING THE FIRST TWO DECADES OF THE XXI CENTURY

The Indo-China relationship in the Indian Ocean area is, in some ways, a 'mirror' of the two nations' more comprehensive strategic relationship, blending parts of collaboration and cohabitation with elements of conflict. While India regards itself as the dominant power in the Indian Ocean and regards leadership in the region as a part of India's 'manifest destiny' (Holmes 2009, 38), the presence of foreign naval powers in the region, particularly China, is essentially illegal; China refuses to recognize India's claims to great power status or perceived privileges in South Asia or elsewhere in the Indian Ocean region. The competition between India and China in the Indian Ocean has existed since the late twentieth century. It has grown increasingly severe in the first two decades of the twenty-first century.

China's emergence has significantly impacted global development since the Cold War, particularly in the first two decades of the twenty-first century, altering the worldwide distribution of power. According to Robert D. Kaplan, a United States Naval Academy professor, "China is actively reshaping the Eastern Hemisphere's power balance. Its influence stretches from Central Asia to the Russian Far East and from the South China Water to the Indian Ocean, both on land and sea" (Kaplan 2012, 200). China's 'ascendancy' has profoundly affected the area and neighboring nations such as India and the Indian Ocean region. Over the last two decades, Chinese security planners have developed an interest in the Indian Ocean. China also saw that India might "build a network of monitoring, balance, and expand its control over the whole Indian Ocean" (Li 2008, 233) because of its key position in the Indian Ocean (Li 2008, 233). As a

result, China constructed a military port on the Arabian coast of Gwadar around the turn of the XXI century (Pakistan). This not only converts Gwadar into a crude oil transit hub but also provides a pretext for the Chinese Navy's presence in the Indian Ocean, allowing it to "surveil naval activities. India's actions in the Arabian Sea and the prospects for US-Indian maritime collaboration in the Indian Ocean" (Hong 2008, 6).

Additionally, Bangladesh has granted the Chinese Navy the ability to use the port of Chittagong, which India has long coveted as a transit point for oil and natural gas transiting from Myanmar to India's northeast. China and Sri Lanka inked a master agreement in April 2005, allowing China the right to utilize Colombo's ports as a gateway to the Indian Ocean. As a result, New Delhi feels that "China's engagement in Myanmar encircles India on three sides and leaves India's zone of influence open in the absence of a buffer nation" (Hong 2008, 7). Indian defense authorities think that China's building of vital facilities in the Bay of Bengal will harm India's long-term security by allowing China to increase its influence. The influence of the Indian Ocean, which India has traditionally considered its 'strategic sea', is a maritime security concern in the two regional powers' strategic struggle (Selth 1996, 218).

China assumed a more aggressive involvement in the Indian Ocean region's affairs in the second decade of the twenty-first century. For the first time in 2013, China produced a policy document titled the 'Blue Book of the Indian Ocean' for the first time, emphasizing the Indian Ocean's strategic importance to China (Hilali 2015, 141). China is establishing critical points and areas throughout the Indian Ocean region's system of sea lanes, including the Bay of Bengal, the waters around Sri Lanka, and the Arabian Sea bordering Pakistan's border with Iran (Suryanarayana 2016, 4). The Bay of Bengal, particularly the Six Degrees Channel at the western entrance to the Strait of Malacca, is critical for China's bidirectional international trade and commerce. The Six India and Ten Indian Channels divide India's Nicobar Islands from the Andaman Islands to the north, strategically important commercially and militarily for both New Delhi and Beijing.

Currently, China's primary interest in the Indian Ocean is energy security. The Chinese government faces a 'dilemma' in Malacca due to its over-reliance on the strait and the influence of US efforts to control what is dubbed the 'most oil-global route'. Indeed, whoever controls the Strait of Malacca will also control China's oil shipping routes. As a result, the commerce and energy security issue has encouraged China to intensify its 'seaward' program, particularly with the Indian Ocean's coastline countries. China is fully aware of America's great power status and India's strategic advantage in the area and is using a coordinated approach to avoid any irritating interaction with both nations. This allows China to expand its strategic space through collaboration with Indian Ocean coastline states. China is also aware that India may use the Andaman and Nicobar Islands to blockade the western entry to the Malacca Strait, which China relies on (Kaplan 2009, 20).

China has proposed two remedies to its 'stuck' status in the Strait of Malacca: expanding its footprint in the Indian Ocean and creating trade routes and transcontinental energy lines. Through Central Asia, utilizing the 'String of Pearls' strategy (Nguyen and Nguyen 2017, 4). A 'String of Pearls' is a term used by American analysts to refer to China's maritime traffic routes connecting southern China to the Indian Ocean, passing through the Mandab Strait, the Malacca Strait, the Strait of Hormuz, and Lombok, as well as other strategic naval interests such as

Pakistan, Sri Lanka, Bangladesh, Maldives, and Somalia. The military installation on Hainan Island, the container shipping facility in Chittagong (Bangladesh), the deep-water port in Sittwe, the Kyaukpyu port, the Yangon port (Myanmar), the navy station in Gwadar (Pakistan), and the Sri Lankan port of Hambantota are referred to as the 'pearls'. These 'pearls' range from mainland China's shore to the coastlines of the South China Sea, the Strait of Malacca, the Indian Ocean, and the Arabian Sea and Persian Gulf reefs (Pehrson 2006, 3). Each 'pearl' in the 'String of Pearls' symbolizes China's geopolitical clout or military presence in the Indian Ocean and other key seas. China intends to use this plan to extend its influence from Hainan in the East China Sea via the world's busiest sea routes to the Persian Gulf. The primary objectives are to restrict India, secure energy security, and maintain control over critical maritime lanes (Tran 2012, 77).

To carry out the 'String of Pearls' plan, China has developed relations with most of India's neighbors, including Pakistan, Nepal, Bangladesh, and Sri Lanka. In this sense, Myanmar is a potential springboard for China's ambitions to expand its sphere of influence into Southeast Asia and South Asia (Gupta 2013, 82). Myanmar occupies a critical geopolitical location, sandwiched between two major Asian powers, China and India. As a country on the Indian Ocean coastline, Myanmar is gaining strategic importance for Chinese authorities. Not only is Burma strategically vital to India, but it is also a critical component in China's plans to expand into the Indian Ocean. China's activities in the Bay of Bengal and the Andaman Sea (Myoe 2015, 26-27), the only neighboring countries that may provide China with access to the Indian Ocean from the east, are the first steps toward ensuring China's best interests in the Indian Ocean. China has also aided Myanmar in expanding naval bases at Sittwe, Hianggyi, Khaukphyu, Mergui, and Zadetkyi Kyun by constructing refueling facilities and radar stations for Chinese submarines operating in the Bay of Bengal (Singh 2007, 3). These installations are used to acquire intelligence on the actions of the Indian Navy and serve as advance bases for Chinese Navy operations in the Indian Ocean. With India's naval development ambitions stalled, the Chinese Navy's rising presence in the region has had far-reaching strategic ramifications for India. China's capacity to push deeper into Myanmar is eroding India's traditional geographical advantages. In response to China's growing influence in the Indian Ocean, India has organized a variety of maritime security agendas and launched several economic and security cooperation initiatives, collective action for peace and security, and improved regional cooperation, such as India's outreach initiative 'Security and Growth for All in Regions' (SAGAR).² The action is viewed as part of India's Indian Ocean strategy to assert its position in an increasingly competitive global environment and to fight China's expansionist plans in the Indian Ocean.

Additionally, India has boosted maritime cooperation with the US and Japan, heightening Beijing's concern. Beijing's authorities view it as an attempt to constrain China's maritime strategic growth in the Indian Ocean area, given that India lacks China's ability to act in the South China Sea. In 2007, the Malabar naval exercise between India and the US was expanded to a large-scale, multilateral exercise in the Bay of Bengal involving the US, India, Japan, Singapore, and Australia. China views this event as an attempt to halt the country's growth (Brewster 2010, 551). The 2014 India-US Joint Strategic Vision Statement also reaffirmed "the critical necessity of preserving maritime security and freedom of navigation and overflight throughout the region, particularly in the East Sea" (Das 2018, 161).

² In Hindi's language, the word 'sagar' means 'ocean'.

Along with the 'String of Pearls' strategy, China increases connections with regional countries through assistance, economic, and defense agreements, as well as by establishing new cooperative projects. China established the 'Silk Road Economic Belt' program in 2014 (a land-based belt connecting China to Central Asia, Russia, and Europe), as well as the 'Maritime Silk Road of the Twenty-First Century', which connects the Strait of Malacca to India, the Middle East, and East Africa (referred to as the 'Belt and Road Initiative'). This program intends to achieve strategic objectives in politics, security, economics, and territorial sovereignty while also establishing a new framework of game rules in the region and around the world in which China plays a leadership role (Tran 2017, 100). India has undertaken the Project of Maritime Routes and Natural Landscapes in the Indian Ocean in response to the Beijing government's 'Maritime Silk Road' effort with the Indian Ocean's coastline countries (Mausam). This multilateral project aims to reestablish India's old maritime channels and cultural ties with neighboring nations. The Mausam project's objective is to extend the connection from East Africa to the Arabian peninsula, the Indian mainland, Sri Lanka, and finally to Southeast Asia - all of which have an Indian cultural imprint and impact. The Mausam project is a significant strategic planning endeavor for India's standing in the region and the globe at large.

In short, India and China are quickly establishing themselves as major Indo-Pacific powers. This is also accompanied by China's growing influence in South Asia and the Indian Ocean, where New Delhi thinks Beijing is shaping the strategic environment and forming connections to rival India strategically. Hence, the India-China rivalry is one of the most significant strategic problems confronting the Indian Ocean area in the XXI century.

CONCLUSION

Since the Cold War's conclusion, the Indian Ocean has been a persistent struggle between several international powers. Due to the region's geopolitical, economic, and commercial significance has become a worldwide hotspot for competition and confrontation, altering the nature of international politics. The Indian Ocean became a 'pivot' of international conflicts and power dynamics in the twenty-first century. Combined with the Near East and Central Asia proximity, the Indian Ocean area generates a significant new geopolitical game (Kaplan 2010, 18).

As two 'rising' Asian powers, India and China compete for political positions, roles, influence, and strategic interests in the Indian Ocean. China is progressively demonstrating its interest in this ocean, which India views as a critical location. While the Indian Navy aspires to be a 'guarantor of security' in the Indian Ocean, China aspires to be a "guarantor of regional peace in pursuit of a greater geopolitical objective" (Nguyen & Nguyen 2017, 4). India and China's aspirations for world power status and a common interest in energy security have encouraged the two continental giants to shift their focus from land to water. Due to its critical geostrategic location, the Indian Ocean has become a focal point for India and China's seaward policy. One may argue that the Indian Ocean in the first two decades of the twenty-first century is where China's and India's interests and influences began to collide and interfere with one another. India, in other words, is China's most credible strategic adversary in this area (Holmes 2008, 53).

In brief, the Indian Ocean area, as a microcosm of the world, is increasingly becoming a focal point of major nations' foreign policies, particularly India and China. There is rivalry and collaboration in various vital domains, including the Indian Ocean (from politics, diplomacy, commerce, business, and so on) to military security and energy. The strategic struggle between these two Asian 'giants' is expected to intensify in the twenty-first century's following decade.

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SOVEREIGN ACTORS IN AFGHANISTAN: THE STRATEGIC CALCULUS 2001-2021

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Abstract: *Afghanistan is considered the entry point for interventions and an important basis for the strategic objectives of sovereign actors. Due to the lack of national sovereignty, the inefficient political system and its fragile legal system regarding ethnic-tribal crises have created strategic depths for global and regional actors, which they can pursue and implement their objectives. While Afghanistan is a focal point in expanding political, military, and economic exchanges and transactions in its peripheral areas, it has suffered from deep ethnic divisions to the same extent. This major weakness is the basis for interventions by regional actors. This article does not deal with Afghanistan's internal weaknesses and problems but focuses on the strategic goals of sovereign actors in Afghanistan. War on terror, invasion, and creation of military bases in Afghanistan by the US and NATO to control and monitor China, Russia, Iran, and Central Asian countries, have been pursued during the past 20 years. It shows the importance of Afghanistan's geo-strategic position in western policies, especially for the United States of America.*

Keywords: *Afghanistan; Geopolitics; Sovereign Actors; Strategic Depths; Implications*

INTRODUCTION

Afghanistan has always been at the crossroads of at least four geopolitical and security spheres: Russia and Eurasia, Iran and the Middle East, the Gulf States, South Asia and the Indian subcontinent, and finally, the great trans-regional powers such as the United States and China. This provides a fertile ground for harmful competition in Afghanistan's territory and geography by using the tools of Afghanistan's geographical and human elements and exploiting Afghanistan's social and political divisions. Sovereign actors have five perspectives and strategies in Afghanistan, and most of their goals are based on one or more of the following strategies in Afghanistan.

First, Afghanistan was a buffer zone for great powers over the decades. It was a buffer zone for the British and Russian empires in the XIX century (Rubin 2020, 3), and that caused the creation of unwanted borders in Afghanistan with its neighbors. Furthermore, Cold War tensions between Russia and the United States led to the destruction of Afghanistan's military and economic infrastructures and four decades of civil war. Finally, it was a buffer zone between the US and Russia, China, and Iran in the XXI century.

Second, when fragile states are located as a buffer zone between great powers, regional powers, most of them are more potent than the buffer state, make good use of the ongoing situation in line with their national interests, which causes the creation of proxy groups that can secure their interests or can fight with their foe in the buffer zone. Therefore, in Afghanistan, most of the sovereign actors in the region created groups that guarantee their interests over the last four decades. For instance, in 1981-1984, Pakistan and Saudi Arabia, in full alignment with the United States of America, created and supported Islamic extremist groups in Afghanistan, such as the Mujahedin and Taliban (Turki 2021, 69). Although the US stopped supporting the Taliban after September 9/11, Pakistan continued and provided full financial and military support for the Taliban as its warring and proxy group until August 15, 2021. It provides shelter for the Taliban and their families in Pakistan. Pakistan's method and support to the Taliban and other extremist proxy groups have been harsh, violent, and destructive for Afghanistan. China's role has been in line with Pakistan's policies in Afghanistan. On the contrary, India still defends its interests in Afghanistan as a major regional power in very soft, civil, and humane ways. India's influence policy in Afghanistan has been mostly a soft policy, effective and in line with the interests of both states (India and Afghanistan).

In the same way, Iran mainly uses Afghanistan Shiites as its proxy group. Iran's interaction with Afghanistan's Shiites has been mostly bilateral. Afghan Shiites consider Iran to be the supporter and defender of their political and social rights in Afghanistan and the region. America looks at Afghanistan through a bigger lens, and to advance its policy in Afghanistan and the region, it invested more in Western-oriented and democratic Afghans.

Third, according to realities, Afghanistan is located at the intersection of four of the world's most populous and wealthiest regions: South Asia, Central Asia, the Middle East, and the Persian Gulf. Afghanistan is the connecting point of these four regions. In broader terms, the region around Afghanistan can be divided into two regions: one is the internal region, which includes all six neighbors of Afghanistan (Pakistan in the south and east, Iran in the west, Tajikistan and Uzbekistan, and Turkmenistan in the north, and China in the northeast). Afghanistan connects these four parts of Asia, while the other is the outer region, which comprises the majority of the countries of East Asia, West Asia, Central Asia, and South Asia. Beyond this, Afghanistan has a central position in the trade network of the Asia-Europe continents.

Afghanistan, located on the major East-West trade routes of the vast Europe-Asia region, is the center and axis of continental trade, extending into it from all the routes of India, Southeast Asia, Central Asia, Europe, the Middle East, and China. Afghanistan was the crossroads of all trade routes to India, China, the Middle East, and Europe for centuries.

Fourth, Pakistan is always worried about India's military attack on its territory due to the territorial tension with India. In the case of India's military attack, Pakistan will be divided into parts due to its geographical defect. Therefore, Pakistan has always considered the southern and south-eastern parts of Afghanistan as its military geographical depth. In addition, other sovereign actors in Afghanistan have a military approach. For instance, on April 17, 2017, the United States of America, in cooperation with NATO, tested the mother of bombs in Nangarhar province in eastern Afghanistan. Although the purpose of using the mother bomb was

announced in the official announcement of the Afghan government to attack ISIS safe havens, it was a test of America's new weapons in Afghanistan (The New York Times 2017).

Fifth, most countries of the world, especially the European countries, consider Afghanistan a burden on the shoulders of the international community and a source of instability at the international level. This view has two roots. First, most Afghan immigrants go to Europe through Turkey and Greece, and in most cases, it has been a problem for European states (UN A/76/12 2021, 10). Second, most of the narcotics grown in Afghanistan are brought to the European markets by international smugglers, which are a potential threat and have caused an increase in organized crimes against the national security of most European countries.

SOVEREIGN ACTORS IN AFGHANISTAN: THE STRATEGIC CALCULUS 2001-2021

What is clear from the above is that all the sovereign actors in Afghanistan have not followed the same and similar strategies and objectives, but individually or as a group in a defined or undefined consensus in pursuit of specific goals. For example, in Afghanistan, NATO and the United States of America had the same strategy and goals, or at least they were in harmony. It was the fight against terrorism and state-building in Afghanistan. Furthermore, as part of an undefined tripartite agreement, China, Russia, and Iran sought to immobilize the United States and NATO in Afghanistan. Pakistan has always wanted a weak government or at least one aligned with its regional goals in Afghanistan, and China has indirectly supported Pakistan's policies concerning Afghanistan. Unfortunately, limited countries view Afghanistan as a credible and stable partner and ally because of the developments of the last 20 years and the lack of a strong central government. It is, therefore, necessary to examine in depth and detail the strategic calculations made by sovereign actors in Afghanistan.

The United States of America

The United States, as the world's leading economic and military power, played a crucial role in the aftermath of 9/11 in Afghanistan. After 9/11, then-President George W. Bush Jr. declared war on terror and later gained the support of NATO and the international community in the war on terror (US Dept. of State Archive 2001-2009). The main goal and strategy of the United States in Afghanistan was to fight against terrorism and destroy the safe havens of al-Qaeda in Afghanistan. In addition, the United States of America added state-building and stabilizing democracy in Afghanistan among its targets.

From 2001 to 2021, four Presidents, Bush, Obama, Trump, and Biden, entered the White House, and each pursued relatively different diplomacy and strategy in Afghanistan. For example, Bush Jr.'s strategy in Afghanistan was in line with the US's long-term strategy in Asia to limit and control China and Russia's spheres of influence in South Asia and Central Asia. By the coming Obama administration, the US strategy changed, and he announced the gradually withdrawing the US troops from Afghanistan. But with Trump in the White House, he questioned the long-term presence of the US in Afghanistan, citing pressure from the American people.

So, Trump wanted to end the US's most protracted war in Afghanistan. Therefore, speed up the peace talks with the Taliban. The United States, as an independent and sovereign state,

had the right to redefine its interests and foreign policy but to give prestige to a terrorist group such as the Taliban at the international level and to create a regional consensus for them. The irresponsible withdrawal from Afghanistan was a strategic mistake of the United States.

To know what was behind this quick and irresponsible back drawn (August 15, 2021), time is needed to prove it. However, some analysts believe that the US was aware of Russia's military action and invasion of Ukraine (24 February 2022). Additionally, the United States apparently withdrew from Afghanistan after making a strategic decision and realizing it could not fight on two fronts at once (Afghanistan and Ukraine).

It should be noted that the United States pursued its goals and strategy in Afghanistan (2001-2021) at two levels. One at the domestic level or Afghanistan, the second at the regional level. At the domestic level, the USA's goals and strategy are presented in Table 1.

Table 1: The US Strategic Goals in Afghanistan after 9/11 (Source: Author own depiction 2022)

No.	Objectives	Result
1	Destroying safe havens of al-Qaeda and other terrorist groups on Afghanistan's soil	Failed
2	State-building and institutionalization	Failed
3	Consolidation of democracy	Failed
4	Long-term presence in Afghanistan as a regional hegemony	Failed

South Asia

1. Resolving the threatening conflicts between Afghanistan and Pakistan to align with the region's fight against terrorism and fundamentalism.
2. Continuation of the Pakistan-India conflict in a controlled manner to control India.
3. Long-term presence in the region (Afghanistan) due to its proximity to the geopolitical region of China and India and want to have domination of Central Asia to the subcontinent and East Asia through the South Asian Canal.

Central Asia

1. Established security trust for Central Asian countries to safely connect the Afghanistan-Pakistan corridor to open waters and navigate to South and East Asia.
2. Had a close look at China and Russia's interaction concerning US strategic actions and goals in Afghanistan and the Central Asian region.
3. Resolving Afghanistan's ethnic conflicts has a high potential for Central Asian involvement in Afghanistan.

The Persian Gulf and Iran

1. Controlled the Persian Gulf energy by the US from the land due to the location of Afghanistan and the appropriate extensive logistics and operational facilities.
2. The fact that Iran is located between Iraq and Afghanistan and the US sometimes considers it a threat to transfer energy from the Persian Gulf.

3. The possibility of Afghanistan being an alternative in transferring energy from Central Asia to the high seas through Afghanistan.
4. Utilizing the religious potential of the Arab and Persian Gulf countries in Afghanistan concerning Iran's efforts to raise the level of regional power
5. The interdependence of security between the Persian Gulf and Afghanistan and the impact of security on establishing a Central Asian trade route with the Persian Gulf through Afghanistan and good relations with the Arab countries of the Gulf.

China

Before 15 August 2021, China had a most complex strategy (in coordination with Pakistan) dealing with political and security issues. China, like Russia, was ashamed of the US presence in Afghanistan and its geopolitical sphere. So China established secret ties with the Taliban in collusion with Pakistan to land the US in Afghanistan and indirectly provided financial support to the Taliban through ISI channels. It was done in 1971 during the Soviet invasion of Afghanistan by the US against the Soviets, and China succeeded in estimating this goal (Chene 2015, 11-12). However, during the US presence, China used most of the economic system in Afghanistan and the region where the US provided free security (Hong 2013, 3). So, China in South and Central Asia has pursued three general strategies through Afghanistan.

- A. Prioritize China's direct and well-defined interests and guarantee them.
- B. Efforts to facilitate the resolution of conflicts in the region to implement their economic strategies better.
- C. Strive to achieve its long-term strategic goals.

However, we can briefly mention China's strategic goals in Afghanistan as follow:

1. Use of Afghanistan's natural resources (copper and lithium).
2. Joint maneuver area of China and Pakistan in South Asia.
3. Restricting India's policies in Afghanistan due to the border dispute between the two countries.
4. Navigate and dominate Central Asian markets.
5. Control of the Muslim and separatist Uyghurs of China.
6. Securing China's economic facilities in Pakistan (Gwadar Port).
7. Filling the security vacuum in Afghanistan and the region after the United States and NATO withdrawal.

Iran

Iran is located in the western neighborhood of Afghanistan with a long common border and has many cultural commonalities with Afghanistan. Every development in Afghanistan has a direct role in Iran's national security. The history of political, social, and economic relations between Afghanistan and Iran goes back to the distant past (Akbarzadeh 2014, 66). Iran's strategy toward Afghanistan has always fluctuated, and double standards have caused Iran never to have a uniform strategy toward Afghanistan (Balkhi 2011, 142). Many factors have

caused fluctuations in the multi-layered nature of Iran's foreign policy in Afghanistan. For example, during the Soviet invasion of Afghanistan, Iran, which had just passed the Islamic Revolution and the government, was entirely in the hands of the Islamists, despite considerable differences with the United States and Saudi Arabia, supported the Afghan Mujahideen individually. In 1996, when the Taliban took control of large parts of Afghanistan and Iran saw an extremist Sunni Islamic state in its neighborhood as a threat to its national security, it opened the door to negotiations with the Taliban and, at the same time, provided political, and militarily supports for Afghanistan national front which was led by Ahmad Shah Massoud, who was fighting against the Taliban (Akbarzadeh and Ibrahimi 2019, 4). Also, after the events of 9/11, Iran participated in the state-building and reconstruction of Afghanistan (Akbarzadeh 2014, 67), supported the Afghan government in the international community, and at the same time, paved the way and put the red carpet for the Taliban as a terrorist group in Tehran (Khugelman 2016). This clearly shows that Iran's policy toward Afghanistan is multi-layered and shows a clear contradiction in Iran's foreign policy towards Afghanistan.

Despite the contradictions in Iran's foreign policy towards Afghanistan, Iran has long-term interests in Afghanistan and favors relative political stability in Afghanistan in contrast to Pakistan's policies (Akbarzadeh 2014, 68). As a regional player in the Persian Gulf and Central Asia, Iran's interaction with Russia and China and its efforts to reduce US pressure and sanctions were directly influenced by Iran's success and failure in Afghanistan. On the other hand, the presence of Afghan refugees in Iran and the smuggling of weapons and drugs from Afghanistan to Iran seriously threaten Iran's national security. Therefore, Iran's strategy in Afghanistan can be summarized as follows:

1. Resolving the issue of Iran's water supply from the Helmand River, which is the primary prohibition of water supply in the Sistan province of Iran, has become a political challenge between the two countries (Kutty 2014, 42).
2. Control of common borders and prevention of drug and arms trafficking to Iran and through Iran to European countries.
3. Securing the Iranian goods market in Afghanistan, where Iran is under severe Western pressure, Afghan markets are a priority of Iran's strategy in Afghanistan (Kutty 2014, 41).
4. Iran and Saudi Arabia are both trying to take the lead in the Islamic world, and both countries have different interpretations of Islam, Shiite and Sunni extremists. Therefore, Iran wants to prevent Saudi Arabia from infiltrating Afghanistan.

India

India is one of the growing and influential countries in the South Asian region. The country has made South Asia one of its top priorities in its strategic plans. India considers Afghanistan a part of South Asia. Therefore, Afghanistan has particular importance in Indian foreign policy. India's foreign policy doctrine divides countries into three concentric circles, the first of which includes its immediate neighbors, including Afghanistan (Raja 2006, 1-2). In the environment of this circle, India seeks to gain hegemony through which it can confront the presence of other regional powers. In addition, Afghanistan is a platform for Indian influence in Central Asia. After 9/11, India, realizing the position of Afghanistan, sought to expand its

cooperation with Afghanistan, which enabled India to gain a foothold in Afghanistan through a strategic alliance with Afghanistan. India used Afghanistan's communicative stance toward the countries of Central Asia as a result (Roy 2013, 306). Access to Central Asia, India's multibillion-dollar assistance in Afghanistan reconstruction, training of Afghan security forces, the establishment of four consulates in four different parts of Afghanistan (MoEA 2011), and finally, Pakistan's political siege in Afghanistan show the strategic depth of India in Afghanistan. Understanding Afghanistan's geopolitical position, India seeks to expand its influence and exploit its central position to access Central Asia. In the past, India and Central Asia relations were more in the context of cultural commonalities. Still, after the collapse of the Soviet Union and the formation of the Central Asian republics, in addition to cultural issues, necessities such as combating arms and drug trafficking and curbing Islamic fundamentalism and terrorism, gaining economic benefits, securing energy resources, etc. made Central Asia more and more important in India's foreign policy. India does not have direct access to Central Asia. To achieve its long-term and medium-term goals in Central Asia, it is necessary to achieve its goals through Afghanistan in cooperation mode (MoEA 2019).

India's ongoing rivalry with Pakistan over Kashmir is another factor that has boosted Afghanistan's position in India's foreign policy. India and Afghanistan have had good political and cultural relations due to a common enemy, Pakistan. Following its clashes with India, Pakistan strongly supported terrorist groups inside Afghanistan and India, to the extent that Pakistani foreign ministers lobbied to support the Afghan Taliban. Fearing siege by India, the Pakistani military has sought to implement its strategic depth in Afghanistan through the Taliban.

After 9/11, the US-led and international community presence in Afghanistan was welcomed by India and brought about pleasant changes in India's foreign policy. After September 2001, India implemented its policies to reduce Pakistan's influence and increase its strategic depth in Afghanistan. Undoubtedly, the Government of India has many interests in Afghanistan, the strategic interests of which can be summarized as follows:

1. Limiting Pakistan's influence as a rival in South Asia and Afghanistan.
2. Fighting against Islamic extremism and terrorism.
3. Functioning of Afghanistan bridge and access to Central Asia.
4. Expanding the regional influence.
5. Limiting China's influence in Afghanistan and the region (Ahmad 2019, 1521)
6. Strengthen the India-based security system in South Asia by including Afghanistan in this system.

India needs to work with Afghanistan in a normal situation¹ to achieve its goals. By involving Kabul in the South Asian security complex, Delhi would strengthen the India-based security model in South Asia and expand its strategic depth within Afghanistan's borders, providing the basis for Delhi's direct presence in Central Asia.

¹The normal situation is that Afghanistan must have an independent central government based on the votes of the Afghan people. But at the time of writing, which is after 15 August 2021, the Taliban group, which is fighting on behalf of Pakistan and several other countries and is ruling in Afghanistan, and until 29 May 2022, no country in the world has recognized the Taliban government. Now, Afghanistan lacks a central and popular government.

Pakistan

States' foreign policy is subject to their national goals and interests; in other words, national interests are the beacon of governments' foreign policy. States pursue their foreign policy doctrine based on the definition of national interests, national goals, or the definition of their friend and foe. In other words, states are constantly destabilizing their rivals to be stable. Pakistan's government pursues its foreign policy within the framework of the same theory against Afghanistan. For the last four decades, the Pakistani government has played a crucial role in destabilizing Afghanistan and supporting terrorist groups in Afghanistan. The Pakistani government has many interests in Afghanistan; because it pursues its strategic depth in Afghanistan. Pakistan's strategic depth in Afghanistan is divided into three parts: military, political, and economical.

Military Strategic Depth of Pakistan in Afghanistan

Although Pakistan has an excellent geographical position in South Asia, in terms of form, it is narrow. This bad physical shape has left Pakistan without a military and supporting geographical ties. Because India and Pakistan are in constant conflict over Kashmir and have even fought for sovereignty over this area three times, and to this day, they have strained and hostile relations. Pakistani military believes that in the event of a new war between India and Pakistan, the Indian army will launch a rapid attack using the Cold Start Doctrine, developed by the Indian army after the Kargil War in 1999, to counter Pakistan and by strike will divide Pakistan into northern and southern parts (Khan and Khalid 2018, 325). This will cause cutting off the Pakistani army's lines of communication with all its military units. This frustration among the Pakistani military and politicians has prompted the Pakistan military to seek strategic depth in Afghanistan. From a military point of view, "strategic depth is an area where it is a good place for a retreating army to regroup and at the same time not be threatened by the enemy advancing, and this retreat can provide enough time for military cohesion and plan for the army" (Hakimi, 2010). Therefore, Pakistani strategists believe that if the tactic of the Indian army is to divide the country, having a strategic depth in Afghanistan is a must for Pakistan. Therefore, Pakistan has always considered the south and southeast of Afghanistan (Kandahar, Nangarhar, Khost, and Ghazni) as the geography of its strategic depth inside Afghanistan.

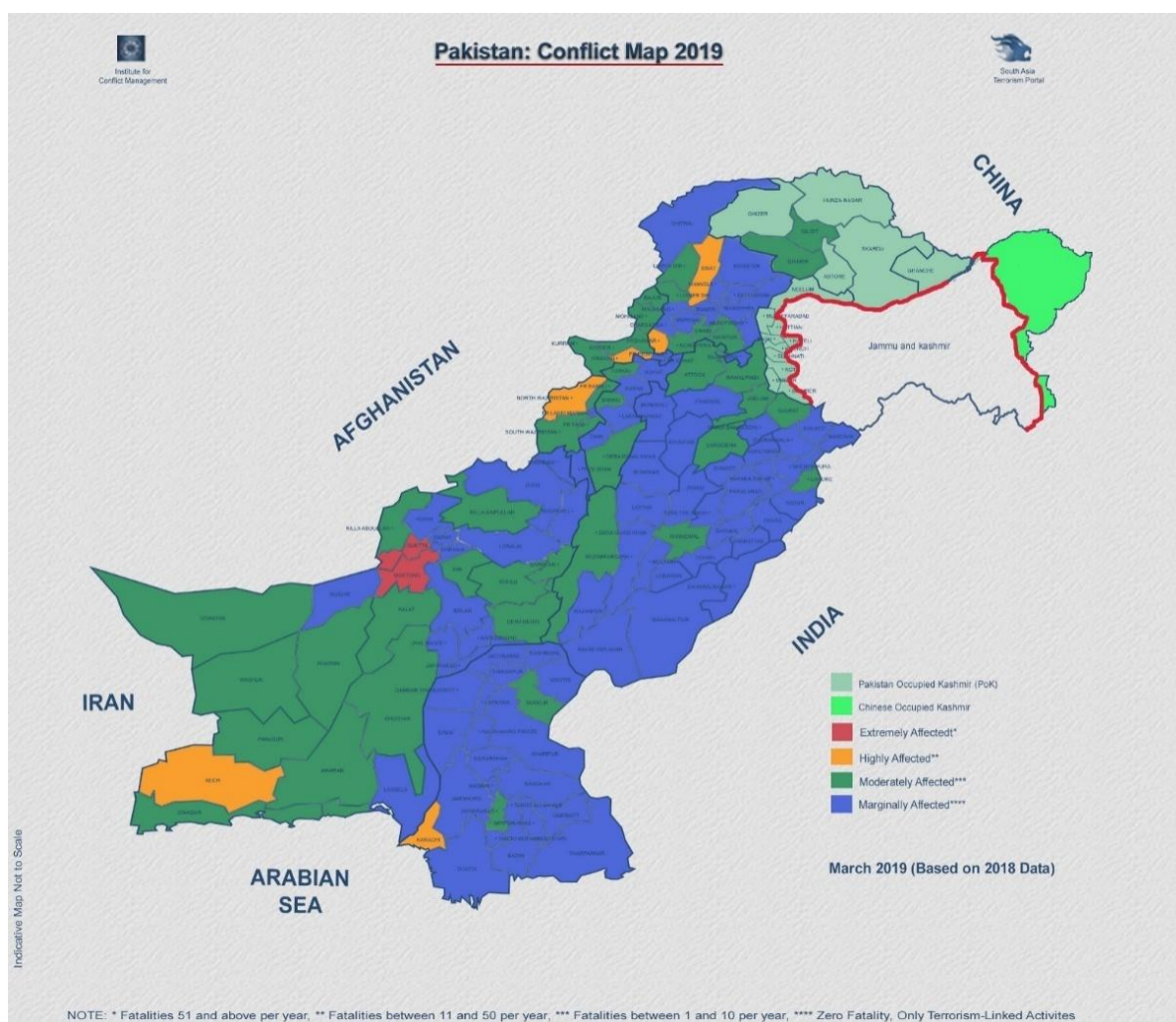


Figure 1: Pakistan Conflict Map 2019 (Source: Institute of Conflict Management 2019)

Pakistan's Political Strategy

The political differences between Pakistan and Afghanistan are rooted in the Durand Line. Pakistan has recognized it as a solved issue and uses it as an official and international border between Afghanistan and Pakistan. However, Afghanistan does not recognize the Durand Line as a border. Afghanistan's argument is this: the border was between British India in 1893 and was signed while no government called Pakistan (Linschoten and Kuehn 2012, 81).

Therefore, the Durand Line issue has not been resolved by Afghanistan. In addition, because the border is a disputed issue between the two sides, it has led to the separation of Pashtuns on both sides of the border, leading to Pakistani Pashtuns claiming separatism, which is a major political dilemma for the government of Pakistan. To manage both (Durand Line and Pashtunistan separatists), Pakistan has prioritized its policy of supporting Afghanistan's Pashtuns. Most of the latter are predominantly Islamic extremists Taliban and Salafists, over its

foreign policy towards Afghanistan in the past four decades. In 1995, Pakistan provided tremendous political, military, and economic support to the Taliban in gaining control of Afghanistan. After 2001, despite the presence of the United States and the international community in Afghanistan, Pakistan never stopped supporting regional Taliban and international terrorists al-Qaeda, ISIS, etc. Ideology has been a tool of Pakistan's foreign policy in the region, as opposed to Afghanistan and India and even the international community, with evidence showing that from 2001 to 2018, the United States paid \$1.3 billion a year in ransom to Pakistan for controlling terrorism (D'Souza 2006, 529-530). Donald Trump, the President of the United States, tweeted in 2018: "The United States has foolishly given Pakistan more than 33 billion dollars in aid over the last 15 years, and they have given as nothing but lies and deceit, thinking our leaders as fools. They give a haven to the terrorists we hunt in Afghanistan with little help. No more!" (The Guardian 2018). Therefore, Pakistan believes it does not see a sovereign, stable and self-sufficient government in Afghanistan as in its interest in the region. Therefore, twice (1995-2021) gave extraordinary support to the Taliban, its proxy group in Afghanistan, to gain political power in Afghanistan. Pakistan considers the weak government in Afghanistan to be in its favor.

Pakistan Economic Strategy

Pakistan's economic interests in Afghanistan are well-arguable. Pakistan wants Afghanistan and Central Asian countries to be consumer markets for Pakistani goods (Rashid 2010, 49). In recent years, abundant and largely untapped energy resources in Central Asia have created competition between major powers for gas and oil pipelines inside and outside the region. Afghanistan is geographically on the road to the energy-rich Middle East and Central Asia region. Pakistan needs the energy to improve its economic situation, and the TAPI² gas pipeline (Figure 2), with all its problems, will provide an energy source that will be enough for Pakistan for the next 50 years. The pipeline was supposed to be completed in 2019 but has not made much progress due to rapid developments in the region and Afghanistan.

The Pakistan-China economic corridor is part of the Belt and Road Initiative (BRI) framework, a Chinese BRI that promises to connect Central Asia with South Asia beyond Pakistan and Afghanistan. Therefore, whether Afghanistan's security worsens or stabilizes directly impacts Pakistan's economic interests. Waltz, a theorist of the school of structural realism, believes that governments seek to increase their economic and military power.

² Turkmenistan - Afghanistan - Pakistan - India Pipeline.

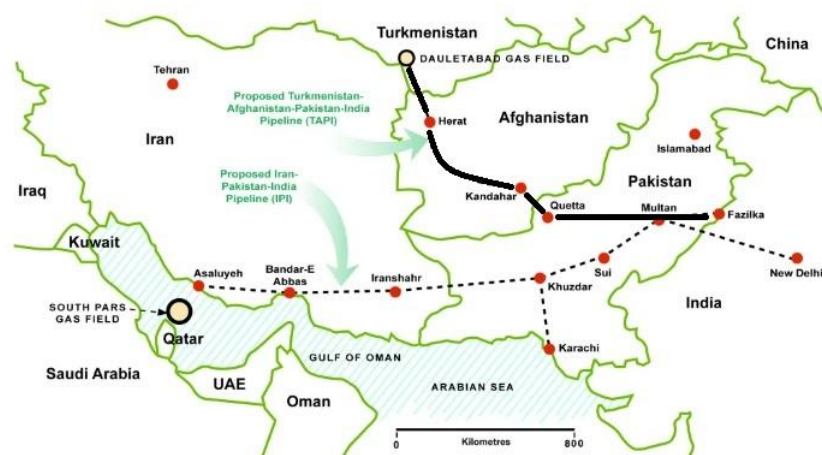


Figure 2: TAPI Route Map (Source: Silk Road Briefing 2018)

IMPLICATIONS OF THE COOPERATION OF SOVEREIGN ACTORS IN AFGHANISTAN

All the sovereign actors in Afghanistan have the same strategies in some instances. If they cooperate, they will lead to regional convergence, and the result of that cooperation will be a win-win game. Afghanistan will earn more from this game than any other actor. Security and regional economy are two decisive factors for the convergence of the sovereign states in Afghanistan. Considering its position, Afghanistan can positively create regional convergence and economic growth. The successful experience of regional economic integration in Europe in the last few decades has given rise to regional economic integration efforts among developing countries. This type of convergence is significant for Afghanistan and its neighboring regions.

The BRI and Afghanistan's Role

China's Belt and Road Initiative (BRI) is a strategy initiated by the People's Republic of China that seeks to connect Asia with Africa and Europe via land and maritime networks to improve regional integration, increase trade, and stimulate economic growth (Chatzky and McBride 2020).

This project connects 60 countries and beyond in Asia, Africa, and Europe and covers four and a half billion people in the world and has not only economic advantages but also creates the basis for connecting different civilizations and increasing social-cultural exchanges (UN, ESCAP 2017, 3). This project will contribute a lot to Asian integration and cause the economic development of all the countries along the path of this project. It will help ensure all regions' prosperity, stability, and security. The Silk Road project is win-win cooperation between Asian, European, and African countries; it is a turning point in international convergences and the connection of significant economic interests with large international interests. The Silk Road was a route that passed through Afghanistan two thousand years ago (Tucker 2015, chapter 1, 26). Since ancient times, there has been a passageway for pilgrims, commercial caravans, and

trade between China and the so-called Afghanistan lines. As a strategic passage, Afghanistan is historically an intersection of cultural and religious interactions and relations, social and commercial, between India and China, the Far East, Central Asia, and the Middle East. Of course, this route is vital for Afghanistan. Using the Silk Road, Afghanistan could export to countries in the Far East and Europe. Using projects related to the Silk Road, Chinese and Afghan investors can invest in both countries. Also, the Wakhan³ Badakhshan Corridor of Afghanistan is one of the critical gateways of the Silk Road, the revival of which is of vital importance for the economic and commercial growth of Afghanistan and the region (Dunning 2021).

On the other hand, the economic and trade relations between Afghanistan and China and China's big investments in Afghanistan are currently developing. In 2008, the administration of Hamid Karzai signed a 30-year contract with a Chinese joint venture called MCC to extract high-grade copper from Mes Aynak. Studies show that the site holds up to 12 million tons of the mineral. Also, in early 2012, the Afghan government reached an agreement with the China National Oil Company to extract oil and gas reserves in the Amu Basin in northern Afghanistan.

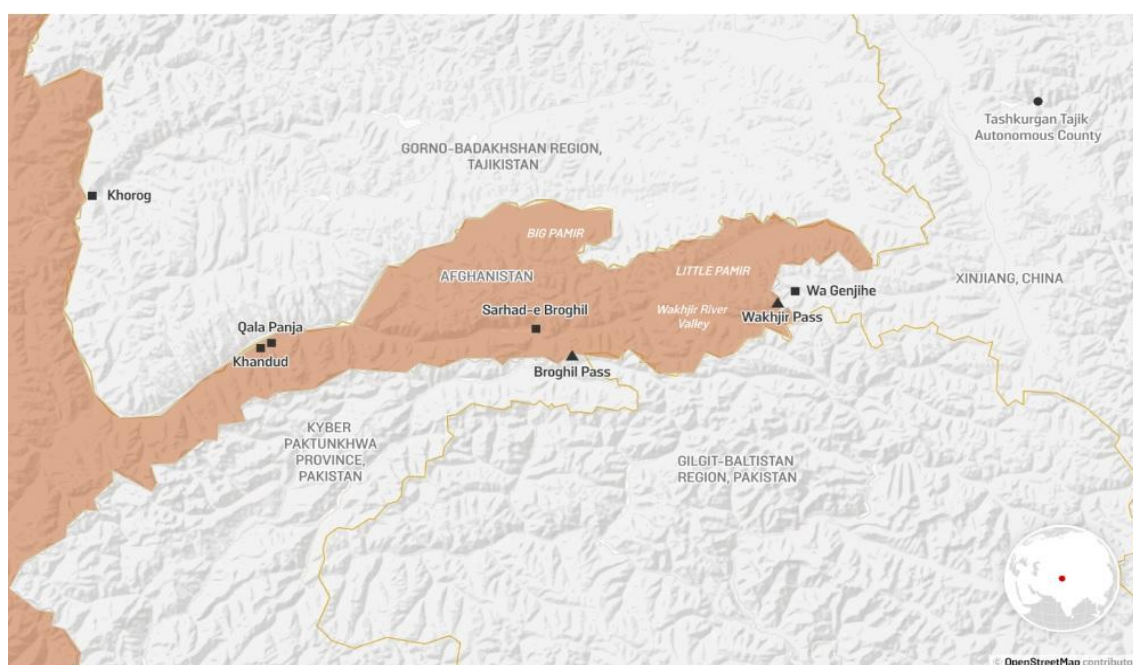


Figure 3: The Wakhan Corridor (Source: Foreign Policy 2021)

It should be remembered that the price of Afghanistan's various types of mine reserves is estimated at more than one trillion dollars (Aljazeera 2021). Afghanistan is rich in gas, minerals such as iron, copper, and decorative and precious stones. Also, Afghan saffron was recognized as the best in the world among three hundred types of saffron from different countries based on an evaluation that took place recently at the International Institute of Taste and Quality in

³Wakhan corridor is located in Badakhshan province in north part of Afghanistan, which was determined in the 19th century by the British and Russian empires along with other borders of Afghanistan. As a result, Afghanistan was recognized as a buffer zone between the two empires' territories.

Brussels (Jahanmal 2019). China's investment in exporting Afghan products to China and importing Chinese goods to Afghanistan are significant for both countries.

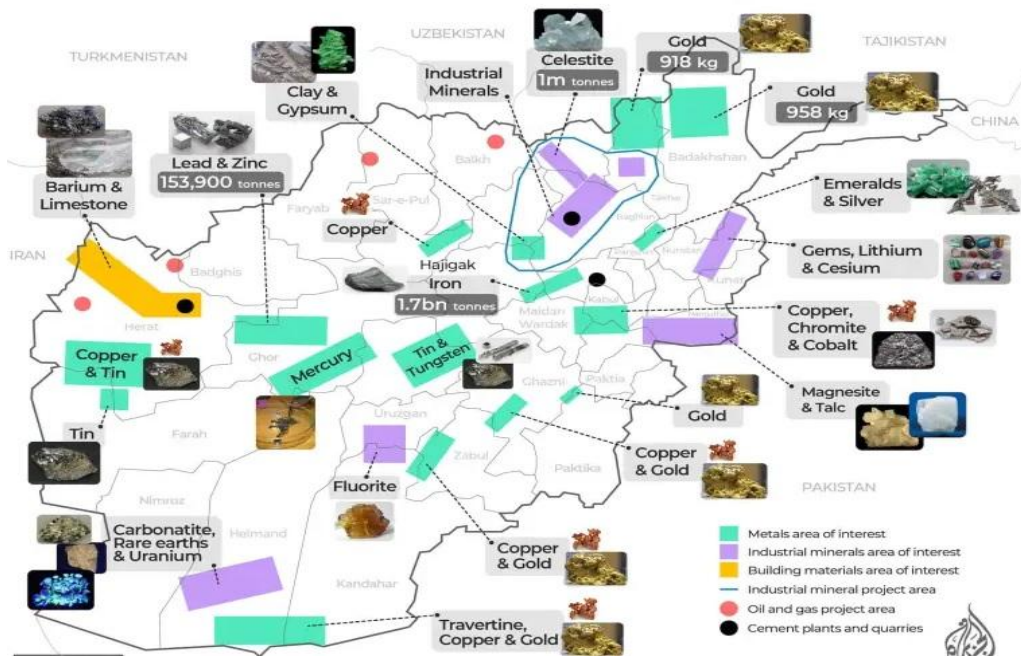


Figure 4: Afghanistan Natural Resource Map (Source: Al Jazeera 2021)

Central and South Asia's Economic Relations and Afghanistan's Strategic Role

Among all the regions of Asia, regional integration has enormous economic benefits for the two regions of Central and South Asia. Currently, the level of trade between these two regions is at a superficial level. One of the main problems in developing trade between these two regions is the distance issue, which increases transportation costs. This is while India is currently the third largest energy-consuming country in the world (Obesta 2020), and Pakistan's demand will increase several times in the coming years. However, on the other side of Central Asia, Turkmenistan and Uzbekistan have rich gas resources. Kazakhstan is one of the major oil producers, and Kyrgyzstan and Tajikistan have high hydropower production capacities. Afghanistan can provide the shortest and most suitable energy corridors between Central and South Asia. All planned corridors between the two regions will pass through Afghanistan. In the field of natural gas transmission, the natural gas transmission project from Turkmenistan to Afghanistan, Pakistan, and India (TAPI) is underway to transfer natural gas up to 33 billion cubic meters per year (Huda and Ali 2017, 201). The Government of Bangladesh has recently expressed its interest in joining this project.

There is no better alternative to the TAPI route to export Turkmen gas to Pakistan and India. The only alternative route can be the Turkmenistan-Iran-Pakistan-India route, which is much longer than the TAPI route. Regarding the possible export of Uzbekistan's natural gas to Pakistan and India in the future, the only and best route will be the Afghanistan route, which is half the distance from the TAPI route. Afghanistan also provides the shortest route for power

transmission lines between Central Asia and South Asia. The CASA 1000 project intends to transfer 1,000 MW of electricity from Kyrgyzstan and Tajikistan to Pakistan via Afghanistan through a 1,227-kilometer transmission line. There is no better alternative route for this project. Therefore, Afghanistan has the potential to become the center of a Central Asia-South Asia single energy market. Such a market will transform both regions and significantly contribute to the region's economic growth.

CONCLUSION

The findings of this current research clearly show three fundamental issues. First, due to its geopolitical and geo-strategic position, Afghanistan plays an important role in facilitating convergence in South Asia, West Asia, and Central Asia, as well as China's independent geopolitics. If Afghanistan could create an efficient foreign policy and follow domestic, regional, and international realities between 2001-2021, the type of game would change from a zero-sum state to a win-win game, and Afghanistan would have benefited more than anyone else. Furthermore, having the same position could use the opportunities from this process for its interests and lead the country to economic development and progress. Big projects such as TAPI, CASA 1000, and Belt and Road Initiative (BRI) and similar projects undoubtedly play a huge role in facilitating, accelerating, and deepening regional and trans-regional integration. With the formation of convergence in the commercial and economic fields and according to the existing regional capacities, there was/is hope for the formation of convergence in other dimensions in the relations between the countries of the region and by creating grounds for understanding the common interests and that would cause reduction of regional divergence potentials and added to cooperation and convergence in the region.

Second, Afghanistan has a golden position in the region, which arouses the greed of every regional and global power. Nevertheless, due to the lack of a national government representing the collective will in Afghanistan and fragile democracy, this situation has become the root of all problems in Afghanistan. On the other hand, unfortunately, Afghanistan's foreign policy apparatus has been the most useless governmental institute in the last 20 years and failed to convince regional actors that any closeness and interaction between Afghanistan and one other actor does not mean hostility with other actors. For instance, Afghanistan has failed to convince Pakistan that any close political, security and economic interaction with India does not mean hostility to Pakistan. This could result in Pakistan ceasing to support the Taliban and other terrorist groups. The presence of the US and NATO in Afghanistan also means no hostility with Iran, China, and Russia.

Third. Along with other internal fundamental reforms, such as changing the constitution and the type of political system, Afghanistan should take decisive steps towards nation-building. As long as the claims of big and small ethnic groups exist without scientific and logical proof, Afghanistan will always be an area of competition between sovereign actors. In the first stage, Afghans must form a nation of all ethnic groups living in Afghanistan. The second stage will lead to a modern government in Afghanistan. Based on its geopolitical and geo-strategic capacities in the third stage, it can become an influential regional actor.

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INTERROGATING ERDOGAN'S NEO-OTTOMAN GEOPOLITICAL IMAGINATION

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Abstract: *This paper examines the possible emergence of the neo-Ottoman geopolitical order with the Republic of Turkey at its helm under the leadership of President Recep Tayyip Erdogan. The blueprint for this ambitious order is taken from its Ottoman antiquity. Neo-Ottomanism attempts to secure continuity with its Ottoman past by foregrounding Islam as the core theo-cultural framework to achieve the political end of constituting Islamic nations to come under one particular order. To achieve this desired end, Erdogan intensifies his endeavor and employs his tact to forge alliances with Islamic nations and promises them solidarity and mutual prosperity keeping his leadership role intact. To pursue this ambition, he expressed his belligerence against the neighboring nations such as Armenia, Greece, Cyprus, Georgia, Bulgaria, etc., which were once the constituents of the Ottoman empire and preferred interventionist policy to diplomatic cooperation. The symptoms of neo-Ottoman pre-eminence are evident in the nautical territories in the Aegean Sea, the Black Sea, the Sea of Marmara and the Mediterranean Sea. The study employs methods of analysis and scrutiny of the existing literature in the field and the related areas to achieve the objective of what constitutes Erdogan's neo-Ottoman geopolitical imagination and to conclude as to what are the geopolitical symptoms that validate the possible emergence of the neo-Ottoman political process, and limitations that underpin the process.*

Keywords: *Neo-Ottomanism; Complex Geopolitics; Recep Tayyip Erdogan; Islam; Hegemony*

INTRODUCTION

Neo-Ottomanism refers to the revival of Ottoman geopolitical supremacy (Yavuz 1998 2020; Iyaylo 2019). With its Ottoman past and sharply defined Islamic presence under President Recep Tayyip Erdogan, Turkey aspires to re-establish its Ottoman hegemony. This takes Erdogan toward a complete revamp of its existing foreign policy. His foreign policy primarily aims to strengthen the Islamic brotherhood, specifying their cultural commonality. This is designed to develop a perception that the way to the Islamic world passes through Turkey. Therefore, Erdogan's renewed geopolitics embodies the aspiration of refashioning Turkey as a neo-Ottoman power ambitiously modeled on its hegemonic Ottoman antiquity¹.

¹Ottoman, etymologically 'Uthman' in Arabic referring to the name of emperor Osman I, began assuming the shape of an empire towards the end of the XIII century in the north-western Anatolia under the leadership of a Turk named Osman I (1299-1323/24). It became a transcontinental empire as it expanded faster covering West Asia, South-East

NEO-OTTOMANISM: GEOPOLITICAL DYNAMICS

What is so distinctly neo-Ottoman as the study intends to establish? This section deals with this question distinctly. The academic enterprise involved in formulating the concept of 'neo-Ottoman' primarily concerns the President of Turkey Recep Tayyip Erdogan. He provides the machinery and ideology to construct a political narrative or national sentiment around neo-Ottomanism. The conservative Justice and Development Party (AKP)² that came to power under the leadership of Recep Tayyip Erdogan in 2002 reinvented Ottomanism by harping on Sublime Porte's³ Islamic imperial glory extending Turkey's 'Strategic Depth'⁴ in the contemporary geopolitical narrative. His electoral success, seemingly average economic well-being, and open advocacy of non-secular ethos were his introductory masterstroke to emerge as an impactful leader domestically (Cinar 2011). This might have reinforced his vision of reconceptualizing Ottomanism in the form of neo-Ottomanism⁵ (Alekseevich 2018).

Turkey, under Erdogan, sought to revive its Ottoman supremacy by exercising its control over the erstwhile imperial region (Wastnidge 2019). The quest for expansionism is to exercise the geopolitical hegemony over the Mediterranean Sea, the Black Sea, the Red Sea and the Caspian Sea for maritime pre-eminence. Moreover, it intends to stretch its strategic leverage among the Organization of Turkic States (OTS) by harking on its Pan -Turkic identity for continental ascendancy (Alkin 2021). As Erdogan stated: "the sun will rise from the East again" (The Siasat Daily 2021). His 'Vision 2040', a strategic document, is equally illustrative of the political and economic integration Turkey intends to achieve and the geopolitical leadership it aspires to occupy. This embodies the revivalist aspiration of reincarnating Ottoman civilizational glory. Erdogan's ego is disproportionately emboldened by his relative success in the Nagorno-Karabakh War in 2020 in extending his support to Azerbaijan. The geopolitical dividend of the war further magnified his neo-Ottoman imagination. Hence, his mandate to "continue to develop our relations in every field in accordance with the natural road map of our civilization

Europe and North Africa. Its inaugural success came in the form of its eventful replacement of the existing and most powerful Greco-Roman-Christian Empire named Byzantium Empire in 1453 with the conquest of Constantinople by the Ottoman Sultan Mehmed II. This replacement introduced a Sunni variant of Islam, which transitioned the cultural texture and flavour of the land - from the classical Byzantine-Hellenic-Christian-cultural mosaic to the monotheism of Islam. The empire experienced its climactic success economically, politically and culturally in the XVI century under Suleiman I, popularly known as Suleiman the Magnificent (Imber 2009; Keyder 2018; Gibbons 2013).

² *Adalet ve Kalkınma Partisi* (AKP) meaning Justice and Development Party.

³ Sublime Porte was the 'High Gate' or 'Gate of the Eminent' of the Ottoman Empire which provided entry to the official buildings of Istanbul.

⁴ The concept of 'Strategic Depth' was spelt out by Prof. Ahmet Davutoglu, academic and former Prime Minister as well as the Minister of Foreign Affairs, in his book 'Stratejik Derinlik' published in 2001. Davutoglu predicted the rise of Turkey in the larger 'geopolitical areas of influence', the latter being the gateway to Asia, Europe Africa and the Atlantic. He identified the Balkans, Caucasus and the Middle East as the adjoining land mass that constituted 'Turkey's potential spheres of influence'. He explained how Turkey can expand its geospatial orbit by linking the Black Sea, Eastern Mediterranean Sea, Caspian Sea, Persian Gulf and Gulf of Bahrain the wider maritime connectivity corridor to emerge as a major regional and global power.

⁵ The term 'neo-Ottomanism' was coined in the Chatham House paper by David Barchard in 1985. Subsequently, the 'Strategic Depth' thesis of Davutoglu became the founding document of the neo-Ottoman narrative. It is treated as the 'Red Book' or secret constitution of the Turkish Republic which is renewed every five years.

and culture" (Alkin 2021) would bring Turkey to the center stage of global trade and commerce through transnational corridors.

For this, he refers to 'Ittihad-I-Islam' (Unity of Islam) as the most potent political methodology to exercise unity among Islamic nations. Therefore, he encourages religious orthodoxy and supports certain radical Islamist groups. His statecraft focuses on the Islamist approach of creating a confederacy among the Islamic nations following Sunni theology. This supposed arbitrating role over the Islamic world has invited severe opposition from the competing forces. His vision of pan-Islamic foreign policy has not gone well with many stakeholders. In addition, Turkey's attempt at creating an Islamic confederacy combining Pakistan, Malaysia, Iran and Qatar formulated in an Islamic Summit in Kuala Lumpur in 2019 emerges as an alternative to the Saudi-led Organization of Islamic Cooperation (OIC). To achieve this end, AKP advertises Erdogan as a catalyst to fulfill the vision of Ummah (the whole community of Muslims bound together by the ties of religion). However, the Arabian Peninsula does not seem to agree with Erdogan's foreign policy. Erdogan's enthusiasm over the Arab Spring and the concomitant overthrow of the Arab monarchies was short-lived, as Saudi Arabia and the United Arab Emirates (UAE) remained steadfast amid the convulsions of the Arab Spring.

Ankara was noticed to have intervened in Libya, Egypt, etc. (Akca 2019) during the high tide of Arab Spring and deployed military and mercenaries to escalate regional tensions. Its Libyan engagement embodies its economic aspiration. Turkey's move towards engaging with Fayed al-Serraj, the Prime Minister under the GNA (Government of National Accord), enabled it to drill oil and natural gas from Libyan shores (Aljazeera 2020); and this infuriated the EU very enormously as the above act involved infringement of the sovereign rights of the country concerned and noncompliance of the maritime law. Regional actors such as Cyprus, Greece and others have outrightly denounced this move. Cyprus declared Turkey a pirate state in 2018 for its unilateral intervention into the former's maritime space (Colonna 2018).

Moreover, on the Eastern Mediterranean shores, Ankara does not recognize the Exclusive Economic Zone (EEZ) in Cyprus and Greece. Turkey's interventionist policy in the region keeps the tension mounting. Erdogan expresses no willingness to settle the dispute in the region. He adopts the policy of profiteering and hegemony. This belligerence of Turkey has led to the formation of the EastMed (Eastern Mediterranean) Gas Forum (EMGF) as an anti-Turkey bloc comprising Cyprus, Greece, Israel, Jordan, Italy and Palestine to protect their natural deposits in their nautical territory. Noticing such developments, Erdogan shows strength by stitching an alliance with Pakistan, Qatar and Iran.

Turkey revitalizes its relationship with Islamabad with the rise of the Taliban and the withdrawal of the US troops from Afghanistan. The defense, economic and cultural cooperation between Ankara and Islamabad seem to have been strengthened over the years. According to the Stockholm International Peace Research Institute (SIPRI), the Turkish arm trade with Pakistan between 2016 and 2019 reached 112 million USD (Rafiq 2021).

The Turkish FDI (Foreign Direct Investment) in Pakistan has risen to 300 million USD since 2009 (Rafiq 2021). With the Taliban infighting and the Haqqani-ISI supposed complicity (Bhalla 2021), Islamabad, with Beijing's tutelage, will play a major role in Afghan domestic and foreign matters. Therefore, Erdogan may re-energize its trilateral agreement with Iran and Pakistan

under the Economic Cooperation Organisation (ECO) platform in 1985. The proposed formation of the trade bloc in the Muslim-majority countries in West and Central Asia is essential to facilitate a single market of goods and services under ECO. The Istanbul-Tehran-Islamabad and Istanbul-Tehran-Mary-Tashkent-Almaty rail linkage, as earmarked under ECO (Kahagh 2010), may give Turkey the much-needed advantage to participate in the geopolitics and trade opportunities in Central, West and South Asia.

Besides Afghanistan and Pakistan, Turkey's export volume to the Islamic Development Bank (IDB) Member Countries⁶ was 20.3 billion USD in 2007, spiraling to 42.2 billion USD in 2016 (Bilginand Demir 2018). Such expenditure, essentially among the Islamic nations, and Erdogan's loud call for cooperation towards the developing nations manifest Turkey's will to emerge as a leveraging force in the Islamic world. This evident generosity and the call for collective Islamic identity underline Erdogan's deep-seated desire to position Turkey as a neo-Ottoman power. Apart from the soft power that Ankara exercises by increasing its expenditure level in its partnering Islamic nations, it also equips itself with the hard power of acquiring the Russian S-400 missile system 'Triumf' surface-to-air missile system despite the US's sanctions. This act of defiance exhibited by Erdogan is symptomatic of the growing autonomy of Turkey to emerge as an independent power post the US pull-out. This indicates Istanbul's attempt to reverse the US's hegemonic presence.

Erdogan's religious conservatism also shows his apparent rejection of Western orientation. This drift towards cultivated fundamentalism to deploy the religion card to emerge as a force to be reckoned with explains his growing detachment from the US's sphere of influence. Though Turkey is a member of NATO and a critical regional partner, its ideological affiliations and fundamentalist tendencies stand contrary to the democratic ethos the NATO-led nations share. The US's anti-Russian and anti-Communist ideological position and its democracy and human rights flagship require Turkey's partnership. However, Erdogan has not heeded the US's stated ideological position. Turkey's geostrategic positioning makes it a critical partner that can never be set aside. Any escalation in the Black Sea region, including the ongoing war between Russia and Ukraine and the probable ones, gives Istanbul the geopolitical and geostrategic center stage. This fact is equally well-known both to the US and Turkey. Erdogan will likely weaponize its geostrategic positionality to apply the chock point tactics to harvest geopolitical dividends.

Moreover, Turkey shares a border with Syria, Iraq, Iran, Azerbaijan, Armenia, Georgia, Bulgaria and Greece. The US is left without a choice but to ignore Turkey for Erdogan's fundamentalist proclivities. Its foreign policy in the region and Russia's proximity require working relations with Turkey, though ideologically, the two countries have serious contradictions.

Moving to the severe geopolitical developments in the Black Sea region on account of the ongoing war between Russia and Ukraine, Erdogan harbors the strongest desire to secure the possible rise of Turkish regional power. His subtle neo-Ottoman geopolitics is apparently at

⁶The IDB member countries include Albania, Algeria, Azerbaijan, Bahrain, Bangladesh, Brunei, Burkina Faso, Cameroon, Cote D'Ivoire, Egypt, Gabon, the Gambia, Guinea, Guinea-Bissau, Indonesia, Iran, Iraq, Jordan, Kazakhstan, Kuwait, Lebanon, Libya, Malaysia, Mali, Morocco, Mozambique, Niger, Nigeria, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Suriname, Syria, Togo, Tunisia, the United Arab Emirates (UAE), Uganda, and Yemen.

play as he may wield influence in the Black Sea territory, with Russia getting mired in its egotism and sanction stress. This subtlety in geopolitics is well-manifested in 2021 when Erdogan invested \$4.5 billion in Ukraine, promised to increase the annual trade worth by \$10 billion, and thereby emerged as a prominent foreign investor (Gostev and Liklikadze 2022). This indicates Erdogan's growing trade interest in Ukraine and increases the speculation of the unleashing of his neo-Ottoman aspiration as the erstwhile Ottoman sway over the south of Ukraine is not an obscure fact.

Erdogan's denial to supply weapons to Ukraine against Russian aggression may generate questions of ambivalence. Still, it is well-established that Kyiv has been well-supplied with Turkish arms, notably the 'Bayraktar' drones (Gostev and Liklikadze 2022). Furthermore, the existing agreements between Erdogan and Zelenskiy (President of Ukraine) on the areas of arms supplies and other critical appliances, engines and ships illustrate the growing proximity between Turkey and Ukraine. In addition, Turkey and Ukraine have reached a deal to co-produce the most efficient Turkish Bayraktar drones; and the production hub has been decided to be in Ukraine (Bekdil 2022). In 2019, Baykar Makina, a Turkish drone maker, received a contract from Ukraine to dispatch six Bayraktar TB2 Unmanned Aerial Vehicles (UAV) (Gostev and Liklikadze 2022). The contract involved \$69 million and also included other related critical appliances.

Erdogan's formal indifference and official unwillingness to comment on Russia and to express approval on the matter of the application of NATO membership by Sweden and Finland are diplomatic responses not to secure open enmity against Russia. The geopolitical obscurity that he generates is primarily to conceal his neo-Ottoman intentionality. Erdogan plays a very subtle diplomatic game to integrate his interest in the ongoing geopolitical upheaval in the region. He may advertise a diplomatic posture being a negotiator of peace and de-escalation of conflict, but the symptoms speak something contrary. There is perhaps a serious lack of genuine interest on the part of Turkey to go overboard and exercise its strategic and diplomatic weight to find a workable solution to the crisis. Turkey's geopolitical hide-and-seek explains the formulation of its regional profile from the complex development in the region. Erdogan measures his diplomatic step so diligently that he does not appear to be either a troublemaker or a profit-seeker in the ongoing crisis. His role as a peacemaker is primarily designed to repair his growing rift with the west. The geopolitical churn in the region in the event of the ongoing war does not create a climate for him to secure success by capitalizing on religion. It demands the revision of geopolitical strategies. Erdogan has seemingly restructured his policy perception taking due cognizance of the geopolitical symptoms and developments in the region.

The newfound courage that Ankara expresses is the gift of China. It is Beijing that has provided the much-needed economic immunity to Ankara. With the Chinese BRI (Belt and Road Initiative) in full swing in Turkey, Erdogan's dependence on the west has been drastically minimized. China invested around \$3 billion in Turkey between 2016 and 2019 (Alemdaroglu and Tepe 2020) and has expressed its intent to expand the volume to \$6 billion by 2021 (Daily Sabah 2019). Through BRI, it has taken Turkey's geostrategic advantage to expand its presence in the Mediterranean Sea. With the trade and defense partnership with Turkey, China has built a robust networking system for facilitating trade and acquiring depth in the region's geopolitics – Eastern Europe, West Asia and North Africa. The Turkey-Iran-Pakistan-China rail connectivity clears the way for intense trade and defense cooperation.

However, this developing saga of cooperation between Turkey and China and their partnership with Pakistan over the emerging complex political trajectory in Afghanistan sound more like a bloc formation. However, this partnership stands on the shaky foundation of opportunism, not cooperation. It may not take much time for this relation to regress into rivalry as all three prioritize power over genuine commitment concerning mutual prosperity and prosperity of the regions they operate on. Turkey's opportunism became well manifest when Erdogan decided to take a U-turn in getting Abdulkadir Yapcan, a prominent Uighur political activist living in Turkey since 2001, arrested in 2016 and initiated his extradition to China (Alemdaroglu and Tepe 2020). This change of mind explains Erdogan's intentions of coming closer to China and seeking its investment in Turkey. This tendency invites criticism of Erdogan's foreign policy, which is characterized by convenience, not commitment. The overt custodianship of the collective Muslim cause that Turkey champions receive considerable backlash from the Muslim community.

Erdogan no doubt battles against the challenges and contradictions, but his commitment to Turkey's neo-Ottoman incarnation emanates from the impending expiry of the Treaty of Lausanne.⁷ It is nearing its expiry in 2023 and may liberate Turkey from the legal constraints imposed on it. The territorial shrinkages that Turkey suffered in the event of this treaty enforced in 1923 may serve as a reason for Erdogan's incremental antagonism against smaller neighboring countries. Furthermore, instances and symptoms of such antagonism are evident even before the expiry. His geopolitical muscle-flexing with his unequal neighbors is not a new phenomenon. The issue is whether Turkey would justify its invasive and intrusive behavior toward the smaller nations by claiming that they were formerly part of the former Ottoman Empire. Further, President Erdogan ignites the Turkish nationalistic fervor by reminding his folks of this unjust treaty that pushed Turkey to make substantial territorial concessions to the other powers violating its legitimate historical claims. Hence, Ankara has the "right to demand a return to the national border envisioned by the Misak-i Milli plan" (National Pact 1920; Maziad and Sotiriadis 2020) by the Ottoman Parliament, which "claimed territories from Eastern Thrace (now part of Greece) to Cyprus, the eastern Aegean islands, parts of northern Syria, northern Iraq, the entirety of modern Armenia, parts of Georgia, and even to Iran" (Batuman 2010; Ozkan 2014).

However, the expiry of the treaty of Lausanne may empower Erdogan to exercise his control over the Aegean Sea, the Black Sea, the Sea of Marmara, the Caspian Sea and the Mediterranean Sea and most importantly Bosphorus Strait⁸, which Turkey lost to the Allied Forces on the negotiating table in 1923. Such a tendency of redefining Ottomanism, if made a policy in the years to come, may escalate tension in the region and invite antagonism from the major regional powers, namely the EU, Russia, Iran and Saudi Arabia. These are some critical areas in which Turkey intends to capitalize while emerging as a neo-Ottoman power.

Erdogan's foreign policy primarily with the nations which were the constituents of the erstwhile Ottoman empire inheres superiority complex. The post-Lausanne geopolitics is likely to

⁷Treaty of Lausanne was signed post the defeat of the Ottoman Empire by the Allied Forces at Lausanne, Switzerland on 24 July 1923. The significance of the treaty lies in the re-definition of the modern state of Turkey and the loss of provinces that were once part of the Ottoman Empire. But, the autonomy promised to the Kurds for the creation of independent Kurdistan in the Treaty of Sèvres was not delivered (Entessar 1989; Edmonds 1971; Bajalan 2019; Phillips 2017).

⁸ The waterway which connects the Aegean Sea with the Black Sea.

become more intricate as Turkey may intensify its ongoing policy of border skirmishes primarily with Greece, Bulgaria, Armenia, Bulgaria, Georgia, Iraq and Syria. Its involvement in exacerbating conflicts in Armenia, Iraq, Syria and Greece is indicative of a new policy of territorial expansionism. Erdogan's territorial imagination of the supposed greater Turkey or the neo-Ottoman inspires his action. He self-indulgently crowns himself as the modern Caliph (Beyond the Cusp 2017) and nurtures the reverie of Ottoman revivalism. The lost glory finds the new leader in revisiting the relic and establishing continuity with the forgotten legacy. To that end, he intends to emerge as a singular leader of the Arab world and expects others to bend to his whims. He, moreover, supposedly equates his will with the Ottoman will. This imaginary grandeur drives him to engage in constant bickering with his neighbors.

NEO-OTTOMANISM: GEO-CULTURAL DYNAMICS

Culture plays a very critical role in the effort to unify people both within and beyond the border. It also contributes to the development of complex geopolitics as politics is an act of people's cultural behavior. In this connection, pan-Islamism as a politically-determined cultural movement is not new. Its monotheistic theological framework facilitates pan-Islamic political unity. Erdogan banks on this religiously-determined political ideology to succeed in his attempt to establish neo-Ottoman geopolitical order. His geopolitical ambition in West Asia, South Asia, Central Asia and Africa is not limited to garnering support through financial incentives and infrastructural development. He uses the soft power mechanism to attract Islamic nations under his geopolitical umbrella. Therefore, Ankara has opted for 'Ertugrul' (Resurrection) (Subramanian 2020), a Turkish drama series based on the XIII century Ottoman imperial and cultural milieu. The politics of telecasting the same in the Islamic countries as a cultural canon depicting the glory of the Ottoman past indicates the cultural logic of securing the legitimacy of Turkey's superiority. Erdogan uses this strategy effectively as an instrument of geo-cultural gravitas to communicate the message of Islamic cultural greatness and historical superiority.

The cultural and historical content created to celebrate the tales from the Turkish past and communicated through popular TV shows, Turkish soap operas, etc. (Carney 2018; Cevik 2019) has attracted Muslims across the globe. They are becoming increasingly popular, primarily in Pakistan, Afghanistan and Central Asia. Economically weaker Muslim countries consume this content more than their wealthy counterpart. The poor economy is the ideal ground for ideology to flourish. Erdogan is well aware of this reality and leaves no opportunity to aestheticize the Ottoman cultural and political legacy. This cinematic romanticization of a historical reality involving imperialism, political and territorial expansionism and religious superiority is the most exciting recipe for securing leadership roles among Muslim countries.

The TV series 'Dirilis Ertugrul' (Ertugrul's Resurrection) is gaining immense popularity in Pakistan owing to the most dramatic glorification of Muslim heroes taken from Turkey's Ottoman ancestry. 'Ertugrul's immense popularity has gained the stature of the Muslim 'Game of Throne'. These TV series, which depict the acts of bravery of Muslim Oghuz Turks battling against the Mongol invaders, Christians, Byzantines, etc. (Farooqi 2020), were made with the definite objective of presenting a counter-narrative to Islamophobia; and by doing this, Erdogan becomes the protector of Islam's prestige. It builds a sense of pride among the Muslims by

glorifying the exceptional courage shown by the Ottoman masters and creates a sense of Islamic unity. The most crucial part of the entire exercise is the political messaging. The overt political drama is designed to send messages to the Muslims to gravitate towards Turkey to rebuild the Muslim political and cultural authority over the competing forces. Erdogan's aspiration of securing for Turkey the leadership role among the Muslim countries, however unpragmatic it may appear in the face of the regional rivals cultivating the same urge, is very well inferred from these geo-cultural enterprises. Motion pictures made on the Ottoman imperial saga spiced with cinematographic alchemy and circulated widely through OTT (over-the-top) platforms in the age of the 4G internet have added exceptionality to Erdogan's geo-cultural project.

Moreover, the latest Turkish soap opera, 'Magnificent Century', aired in 45 countries, is gaining immense popularity in the Arab world. The Turkish soap operas project Turkey as modern, Muslim and prosperous (Rohde 2012). This combination goes well with the aspirations of Muslim youths who expect to see the marriage of Islam with modernity. Erdogan makes no mistake in addressing this aspiration through motion art as soft power diplomacy. As Semuhi Sinanoglu (2017), a Turkish scholar, called this cultural contour 'political technology' and marked:

Undoubtedly, each power creates its own political history narrative, and presents its national heroes by choosing them on the axis of their own ideology. In this context, the neo-Ottoman TV series on TRT are not only inspired by historical events; constructing them in a specific way, especially in parallel with today's politics, produces consent to the able nationalist-conservative-authoritarian politics.

Neo-Ottomanism, therefore, is an expansionist political ideology. The Ottoman saga fits well with this ambitious political ideology. Therefore, history became an ideological tool to serve a political end. Narrative-building is not a politically innocent act. Erdogan's preference for narrative-building involves the political project of establishing neo-Ottomanism. He knew the effects of this promotionism and the geopolitical and geo-cultural dividends they embody. Erdogan, therefore, injected more revenue into this industry as it attracted the attention of the Islamic nations toward Turkey.

These soap operas are also becoming very popular in Afghanistan, primarily among children and youth. The contents of violence and the gory depiction of aggressivity have surprisingly gained more enthusiasm and interest among Afghan youths (Sarwary 2014). These are, however, the soft power modalities that Erdogan quite tactically deploys to establish Turkey's leadership role in the Islamic world. That is why Turkish academic Omar Al-Ghazzi said that this new image of Turkey "demonstrated that shift of perception from Turkey as an enemy to Turkey as a model (...) Turkish soft power was perhaps at its height with the rise of Erdogan – this went hand-in-hand with the popularity of Turkish popular culture, particularly Turkish TV series" (Ravi 2020). Under Erdogan, Turkey has emerged as a model that combines Islam, modernity and prosperity. The advertisement of this combination has attracted many Islamic nations, primarily those economically not well-off, to drift towards it and accept its pioneering role. To convey this message, Erdogan chooses popular culture as the most effective mode to achieve geopolitical and geo-cultural ends.

However, Erdogan's policy of cultural penetration into the wider Islamic world has also received flak from the Arab world. He imagines Istanbul in tandem with the imperial Ottoman past and considers it to assume the leadership role in the Islamic world with an anti-west posture and pro-Islamic character (Karaveli 2016). For this, he intends to export 'Derilis Ertugrul' as a cultural tool to gain broader legitimacy in the Islamic Ummah (community). On the other, Saudi Arabia, the current custodian of the holy places of Mecca and Medina, deems the royal kingdom as the legitimate authority to lead the Islamic Ummah. The competition for Islamic leadership, based on one's historical past and another's present position, has created a cultural binary between the Turks and the Arabs in the Islamic world. This indicates the complex competitiveness among the Islamic countries to occupy a leadership role. Erdogan's geo-cultural design uses culture to gain political dividends (Kraidy and Al-Ghazzi 2013), but his competitors are equally equipped with similar strategies to unseat his cultural narrative.

Saudi Arabia has created a counter-narrative by showcasing the 'Kingdom of Fire' set in the backdrop of the Arab victory over the Turks and the fall of the Ottoman Empire. The infallibility aspect that has been cinematographically demonstrated in the Turkish TV series about the Ottoman imperial heroes finds antithesis in the form of a response from Saudi Arabia. This has unleashed the geo-cultural narrative war suggesting how culture determines politics in Islam. Egypt is also critical of the Turkish policy of cultural aggrandizement in the Arab region. As a retort, the supreme religious authority – Egypt's Dar al-Iftaa, has also banned 'Dirilis: Ertugrul' and issued a fatwa that said:

They (Erdogan and his followers) export to the people and nations the idea that they are the leaders of the caliphate, responsible for supporting Muslims worldwide and being their salvation from oppression and injustice, while also seeking to implement Islamic law. They hide the fact that their main drive in these colonial campaigns is what [Turkish President] Erdogan reaps from material and political gains (Middle East Monitor 2020).

It further mentioned, "[t]he Turkish President and his followers are not immune from using religious discourse in general, and fatwa in particular, as a cover for their military operations, just like terrorist groups and organizations" (The Siasat Daily 2020).

Therefore, the contesting geopolitical symptoms in the region are not favorable enough for Erdogan to expect dramatic results for his neo-Ottoman intentionality. His reliance on popular culture as an instrument of power to accelerate his neo-Ottoman ambition meets several challenges. His aspiration of securing geopolitical advantages through geo-cultural modalities is seemingly a strategic cliché that has been well-exposed. His neo-Ottoman project on the strength of religion does appear to be very viable as his regional rivals with aspirations for occupying Islamic leadership are equally astute to present challenges.

LIMITATIONS

Erdogan's neo-Ottomanism is fraught with a few serious limitations. They include economic underperformance related to the occurrence of the Covid-19 pandemic, anti-incumbency, religious fundamentalism, Kurdish separatism, US sanctions and the EU's

disappointment over Turkey's interventionist geopolitics in the Eastern Mediterranean, Turkey-Russia conflict, troubled relation with Iran and Saudi Arabia and the ongoing Russia-Ukraine war.

With the Covid-19 pandemic wreaking havoc across the globe, Turkey's economy is in shambles. The devaluation of the Lira down to 8.0 per dollar in October 2020 (Ozsoy 2020) was undoubtedly a factor that troubled Turkey. In August 2021, the inflation in Turkey reached 19.25%, and the Lira came down to 8.808 (Kucukgocmen and Spicer 2021). The ongoing Russia-Ukraine war has further exacerbated the Turkish economy. Food prices and inflation see no semblance of respite. Turkey's inflation rate will reach 70% by April 2022 (Robinson 2022). In such a dismal economic scenario, the Turkish Lira has weakened, reaching "16.5 per USD in early June and edging closer to the all-time low of 18.4 hits in December" (Trading Economics 2022). This tendency does not seem to ease shortly. Therefore, economic underperformance will likely lead to domestic political instability and social unrest.

The Republican People's Party (CHP - *Cumhuriyet Halk Partisi*) constantly criticizes Erdogan's failure to address the collapsing economy. The credibility of CHP's criticism emanates from its victory in the Istanbul mayoral election in 2019. Anti-incumbency is a significant drawback that Erdogan may have to deal with in the 2023 presidential election. The short-term skirmishes that he orchestrates with his neighboring nations are undertaken to divert the attention of his people from his inability to address the increasing economic crisis at home. These diversionary tactics will not work beyond a certain point when inflation chokes the nation. Erdogan resorts to encouraging nationalism, Islamic unity and restoration of Ottoman glory, Turkey-centred geopolitics in the Arab world and beyond, and some incursions here and there. He relies on nationalism by presenting the fiction of Ottoman resurrection. Through these bouts of nationalist delusion, he somehow escapes criticism around economic underperformance. His political longevity is ensured through the tactical demonstration of a possible revival of Ottoman dominance. This narrative receives popular support. The public gives credence to this inflated narrative of geopolitical hegemony. The national sentiment that he panders to grants him political immunity. People seem to have believed in the logic of nationalism that he has so demonstratively inoculated. However, the theo-cultural rigidity that he relies on to distract public attention from the core and economic security issues is a very limited dose of euphoria, which will not stand long in the face of hunger. The crippling economy is likely to restrict Erdogan's expansionist aspiration.

When the world gradually recovers from the Covid-19 pandemic, the weight of the ongoing war between Russia and Ukraine is becoming unbearable as inflation is staring at countries everywhere. Sanctions on Russia and import restrictions from it and Ukraine writhing under war stress have contributed to rising inflation worldwide. The crushing weight of inflation further exacerbates the condition of Turkey's fragile economy hit by the Covid-19 pandemic. It no doubt raises concern in Erdogan as inflation has always been a strong determinant in abetting social unrest. These dire economic conditions restrict him not to flag off his neo-Ottoman geopolitical narrative. In the event of Turkey's increasing proximity with the US-NATO security structuralism, Erdogan risks its relationship with Russia as it depends mainly on Russian gas, oil, gasoline, etc. Turkey cannot diversify its import dependencies overnight. It needs Russia for its economy, whether import-export or tourism, to secure stability in the inflation-driven global economic framework. The Turkish economy is reeling seriously under currency

devaluation, unemployment and inflation. This has increased the chances of social disquiet and given freehand to the opposition to corner Erdogan for mismanagement. The Parliamentary election in 2023 will not be an easy go for Erdogan. For him, the road ahead does not seem to be leaden with prospects as he enjoyed before. Turkey is now caught in a situation where securing a balance between the US-NATO and Russia is its utmost priority. It needs them both to give its sunken economy some semblance of vitality. With these complex developments, it may be argued that Erdogan's dream of neo-Ottoman geopolitical leverage will fail.

Moving further, Kurdish separatism (Bahcheli and Noel 2011; Gunter 1988; Fuller 1993) always remains a strong undercurrent that may take the shape of a high-intensity disruption at any time. This would test Erdogan's patience, tact and damage control mannerisms. Erdogan's growing unpopularity in the neighborhood and beyond may attract antagonism, which may also help intensify the Kurdish issue. Moreover, the Kurdish insurgency around the creation of independent Kurdistan, the land of ethnic Kurds and geographically comprised south-eastern Turkey, northern Iraq, north-eastern Iran and northern Syria, perforates Erdogan's narrative of unity and greater Islamic brotherhood. His espousal of an alternative international order centering on Islam with Turkey as its arbiter meets challenges from the militant movements orchestrated by the Kurdish separatist organizations such as Kurdistan Workers' Party (PKK - *Partiya Karkerên Kurdistanê*) and its Syrian affiliate People's Protection Forces (YPG - *Yekîneyên Parastina Gel*), and People's Democratic Party (HDP - *Halkların Demokratik Partisi*).

The genesis of conflict between the Turks and the Kurds dates back to the Treaty of Sèvres, which was signed on 10 August 1920 between Britain, France, and Italy on the one hand and the Ottoman Empire on the other following the defeat of the Ottoman Empire in the First World War. It promised protection of the religious and ethnic minorities in the new Turkey, mostly truncated territorially in the aftermath of its defeat. Article 62 (Romano 2020) of the treaty set conditions before the Kurds to express the collective Kurdish desire for independent Kurdistan in the form of a demand for secession from the Ottoman empire before the Council of the League of Nations. However, the Kurdish choice to join Mustafa Kemal in Turkey's War of Independence completely diluted the Kurdish demand for a separate homeland. The Treaty of Lausanne that followed in 1923 did not entertain the demands of the cultural, linguistic and ethnic minorities except that of the Jewish, Greek and Armenian communities. Atatürk's new Turkey was designed along the secular and the western outlook; it neglected the Kurdish distinctive linguistic and ethnic identity. The suppression of the Kurdish revolt almost became a pattern in the history of the new Turkey post-Lausanne. The demand for independent Kurdistan has not decreased despite the consistent oppression unleashed by the Turkish state machinery. This indicates the tough challenges that Turkey faces from within. The militant and separatist activities that the Kurdish political leadership assiduously pursues to gain independence pose a threat to the neo-Ottoman vision of Erdogan. The US sanctions against Turkey under Donald Trump, then President of the USA, over the purchase of Russia's S-400 led CHP to get into a dispute with AKP. The Trump-Erdogan relationship has witnessed mounting differences over the latter's involvement in Syria and attack on the Kurdish forces. This irked Washington as its crackdown on the Islamic State in Iraq and the Levant (ISIL, ISIS), with the help of the Kurdish forces, got impeded by Turkey's involvement. Though Trump attempted to strengthen the

bilateral relationship with Erdogan, they hardly reached any lasting consensus. The Washington-Ankara relation got further mired in policy and diplomatic log jam.

The complications that surrounded Trump-Erdogan diplomatic relations and its spill-over to the present may turn out to be a major constraint to Turkey's neo-Ottoman aspiration. With Joe Biden at the helm of US diplomatic affairs being the President of the USA now, his decision over Turkey's increasing fundamentalism, primarily Erdogan's misadventure in converting Hagia Sophia to a mosque and opening the Chora Church in Istanbul for Muslim worship, is yet to be seen. If further sanctions are imposed, it may develop fissures in AKP. The onset of war between Russia and Ukraine in February this year and its dramatic escalation at present changes the calculus of the US-Turkey relationship. Turkey, an important factor in the Black Sea region and a member of NATO suddenly becomes more significant. The US attitude adopted during the Trump dispensation has been changed purely for strategic reasons.

Nevertheless, Turkey no doubt walks on a diplomatic tightrope and has to secure balance. On the one hand, its likely drift towards the US invites Putin's ire; moving towards Russia extending solidarity, as it suffers global ostracization, on the other, attracts Biden's disappointment. The rising inflation and economic emergency at home do not favor Erdogan to take sides. Turkey, therefore, finds itself in a very peculiar situation where any move to express allegiance to either side is risky. Erdogan's indecision over the approval of applications for membership submitted by Sweden and Finland illustrates the weight of his geopolitical compulsion.

Beyond the border, the European Union expresses its deep disappointment over Turkey's bullying behavior in the Eastern Mediterranean against Greece and Cyprus. The EU-Turkey relationship was exacerbated as Erdogan threatened to open the floodgates of Syrian refugees into Europe in 2015, losing the case of its possible inclusion into the EU and ruining its pro-western image. The EU has expressed concern over Turkey's intrusive foreign policy towards Greece, Cyprus, Syria, Libya, and Nagorno-Karabakh regions and its denial of the Armenian genocide in 1916. Erdogan's border standoff with Greece and Cyprus and his illegal drilling in the eastern Mediterranean have disturbed Turkey's relationship with the EU. The EU may demand action against Turkey if Erdogan engages in territorial redefinition modeled after the Ottoman Empire and continues intruding on the territories of nations that were once Ottoman colonies. If it escalates into some form of confrontation, the growing geopolitical complexity in the EU-Turkey relationship may risk Turkey's ambitious future around the formation of neo-Ottomanism. The EU-Turkey conflict has seemingly been silent over a couple of months due to the war in Ukraine. However, the EU would never allow Erdogan's neo-Ottoman reverie to translate into a concrete geopolitical reality.

Turkey and Russia are not on the same page concerning their position in Syria and Libya. The uproar around the death of Andrey Karlov, Russia's ambassador to Turkey, in Ankara (2016) and the downing of a Russian fighter jet by Turkish authority in 2015 express inherence of bitterness in Ankara-Kremlin relations. These incidents led Russia to impose serious economic sanctions and travel and tourism restrictions. The bilateral ties came suddenly to a screeching halt. As a follow-up to that flurry of retaliatory events, Sergei Mironov, a Russian lawmaker, introduced a bill in the parliament to criminalize the refutation of the Armenian genocide. However, by the end of 2017, the Erdogan-Putin relationship seemed to have got stitched as

Turkey signed the deal to purchase the Russian S-400 surface-to-air missile system. However, the historicity of Ottoman-Russian relations is nevertheless not that clean. It was fraught with conflicts. Russia would never appreciate Turkey establishing neo-Ottomanism by forming an Islamic confederacy. Such a possibility would seriously hamper Russian aspirations. Russia would always stand as a major hurdle to Erdogan's configuration of neo-Ottomanism. Erdogan's insecurity also primarily emanates from Russia's strong regional presence. He may see opportunities in the event of Russia's defeat in the ongoing war with Ukraine. If something very adverse happens and Putin undergoes dethronement, Erdogan may capitalize on the leadership vacuum in Russia to emerge as an effective leader. To that end, he may have to make some compromises with the US administration to take the seat of regional leadership. Nevertheless, to imagine the shape of geopolitical trajectories in the Black Sea region this way is more of daydreaming than probable.

CONCLUSION

These challenges explain Erdogan's insecurities. His dream of neo-Ottomanism seems delusional and symptomatic of his self-aggrandizement and embodies the poverty of pragmatism. He chooses Islamism over pragmatism to achieve his signature project, neo-Ottomanism. His method is his drawback. Failure, therefore, is very imminent and unavoidable.

Further, the Islamic world is not a monolithic category, and many inconsistencies and contradictions exist in it. They resist the possible formation of coherent unity. Saudi Arabia, Iran, Egypt, etc., are the major regional players rivaling for leadership using Islam. The Iran-Turkey relationship is fragile and complex, fraught with conflict, cooperation, and Shia-Sunni sectarian incompatibility. However, they need each other for trade and mutual economic growth, being neighbors. Their relationship experiences several ups and downs with their role in Syria, Libya and Caucasus. Turkey's preference for Ottoman revivalism by securing a leadership position among the Islamic nations meets several stakeholders who, too, share the same dream. The Covid-19 pandemic, followed by the war in Ukraine leading to high inflation, has injured Turkey economically beyond repair. The economic statistics break the morale of the people. This is an indication of the possible social unrest that will take the shape of a serious problem. For Erdogan, to emerge from those challenges in a year or two is to meet the election in 2023. It is not easy for him to imagine something like neo-Ottoman territorial redefinition. The complex geopolitical developments in the Black Sea region in the event of the war in Ukraine do not look attractive enough to conduct that misadventure. In such a scenario, Erdogan's dream project is more of a fantasy than reality.

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THE ROLE OF TURKIYE IN THE BLACK SEA AND THE RUSSO-UKRAINIAN WAR: A SHORT OVERVIEW

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Abstract: *After the end of the Cold War, the new conjuncture that appeared in the region of the Black Sea turned into an important place on the international scene. During the Russian invasion of Ukraine in 2022, Turkish diplomacy played a significant role in this region and international relations based on its new 'active neutrality' strategy. Turkiye's extensive efforts at a ceasefire through implementing the mediatory role between Russia and Ukraine were its more significant diplomatic endeavors throughout the war. Simultaneously, one of the more critical segments that marked the Ukrainian resistance against invasion is the success of the Turkish armed drone Bayraktar TB2. Turkiye plays a vital role in the so-called 'grain corridor' function with the aim of activation of Ukrainian export of grain and mitigating the world's grain crises.*

Keywords: *Russia; Ukraine; Bayraktar TB2; Grain Corridor; Energetic Crisis*

INTRODUCTION

The Black Sea has been considered throughout history, but also today and especially after the end of the Cold War, as one of the vital strategic regions in the international context. The increased interest in global and regional factors towards the Black Sea and their politics and strategies towards this region indicates the region's vitality in the international arena. This article will examine the importance of the Black Sea in international relations, strategies and politics of global and regional factors for this region. In the next part of this article, we will analyze the most critical segments of Turkish-Ukrainian relations, which had and still have vital reflections on the bilateral relations of these countries. The last part of our article will focus on Turkiye's foreign politics toward Ukraine and its role in the Russian-Ukrainian war, focusing on its role in the ceasefire. Also, the influence of Turkish drones during the war and Turkish diplomacy's success in opening the 'grain corridor' will represent an important part of this article.

THE BLACK SEA REGION

Before we analyze the importance of the Black Sea region for international relations, we will try to define the concept of the Black Sea and introduce the countries that belong to this region. In ancient times, this region was considered one of the most important centers of the Mediterranean region. Since the X century BC, the people of the Mediterranean got in contact with the people of the Black Sea, after which they came to various geographical discoveries. On the other hand, the sailors who came from the Aegean region came across storms and waves in the Black Sea region and encountered tribes that they had not known before. That is why the Black Sea was named 'Pontos Axeinos', which means inhospitable sea. After a while, along with the progress of technological possibilities, the people from the Aegean and Mediterranean regions built ships that could endure the dark and severe conditions of the Black Sea. On this occasion, they have begun to exploit the treasures of the Black Sea. As a result, the name Black Sea was changed to 'Pontos Euxeinos', which means hospitable sea (Aridemir 2011, 30-31). The Ottomans initially used the term Black Sea and later translated it into European languages (Aridemir 2011, 30-32).

Besides the fact that Russia and Georgia surround the Black Sea coast from the east, Bulgaria and Romania from the west, Ukraine from the north and Turkiye from the south, there are various opinions about the borders of this region following the strategies and interests of numerous regional and international factors. Simultaneously, it should be highlighted that the following concepts are also used for the demarcation of the mentioned region: Danube/Black Sea region, Greater Black Sea Region (according to this term, Azerbaijan and Armenia are located in the Black Sea region, by which we create the Eurasian energy corridor that connects the West with the energy sources in Central Asia), Black-Caspian Seas Region, Wider Black Sea Region, Black-Mediterranean Seas Region in the Baltic-Black Sea Zone of Security, a term that NATO is using in the framework for its extension (Aridemir 2011, 34). The essential characteristic of the Black Sea region is its vicinity to the Balkans, Central Asia, Caucasus and the Middle East. Because of this, during history, the dominant regional and world powers always tried to dominate the Black Sea region and keep it under their control as a strategic aim of their relevant countries. The most apparent proof is that the region mentioned above was a target of various empires throughout history like the Roman, Byzantine, Ottoman and Russian empires (Özbay 2010; Baran 2008, 87).

Since the XVIII century, this region has become a center of tensions and conflicts between the Ottoman and Russian Empires. In this context, it should be highlighted that the Ottomans entered World War One precisely through the bombardment of Russian vessels and harbors in the Black Sea. On the other hand, the disappearance of Imperial Russia from the international arena began exactly with its deprivation of help that was supposed to arrive through the Black Sea after the Dardanelle war in 1915 (Özbay 2010). The geographic and geostrategic position of the Black sea, various underground resources and the population's potential turned this region into a critical strategic, economic, political and transport center. Simultaneously, this region can play an important role in using military power. The movements of countries with expansionist politics from this region above this sea and the role of the Turkish

strait in military strategies are indicators of the military importance of the Black Sea region (Koca 2010, 74-76).

The regional and global powers of the XX century produced various strategies toward the Black Sea. During the Cold War period, the general paradigm of the Soviet Union towards the Black Sea was to be closed for military ships of the non-coastal countries. As a result of this strategy, this sea was considered closed to the outside world during the Cold War period. Besides the NATO Member State Türkiye, all other countries on the borders with the Black Sea were a part of the Warsaw Pact. In the period from the fall of the Berlin Wall and the fall of the Soviet Union, there were apparent changes on the international scene. As a result, the Black Sea region began to open itself to the outside world (Özbay 2010).

On the other hand, the US policy toward the Black Sea region, the expansion of NATO and the EU into the region, and the colorful revolutions in some coastal nations like Georgia and Ukraine, show the new problems Russia faces. The newly created conjuncture is forcing Russia, under the leadership of Putin, to create new policies towards this region. The intervention of this country in Georgia, the annexation of Crimea and the recent war between Russia and Ukraine in 2022 depict the new proactive Russian attitude towards the region (Aridemir 2011, 136; Yekelchik 2007).

In the newly created conjuncture after the Cold War period, except the Russian Federation and Turkey, the USA and EU began to have a close interest in this region. According to US strategies, the Black Sea borders are not limited only to the countries that are on borders with this sea, but they also include a region that extends from Central Asia to the Balkans. According to these strategies, with the end of the Cold War and the establishment a geostrategic vacuum of power in the Black Sea region, the gap mentioned above should be filled by the USA and EU factors. Considering the USA's foreign policy attitude, the proximity of the Black Sea region with the most important energy sources in the world indicates that it possesses a significant strategic position. In the post-Cold War period, the USA undertook essential steps towards integrating the countries from this region towards Western institutions like NATO and the EU, aiming to weaken Russia's position (Özbay 2010; Aridemir 2011, 103-115).

The EU's attitude towards the Black Sea is new compared to its policies towards other regions (like the Adriatic and Baltic seas etc.). However, the following strategic steps undertaken by the EU are considered some of the most critical steps in the road of its factorization in the region mentioned above: a) European Neighborhood Policy; b) SYNERGY project, which aims the establishment of cooperation in the field of energy in the Black Sea, c) The Black Sea Euro-region Initiative, d) INOGATE (Interstate Oil and Gas Transport to Europe, e) TRACECA (Transport Corridor Europe-Caucasus-Asia, an international transport program involving the European Union and 12 member states of the Eastern European, Caucasus and Central Asian region) (Isic 2008; Aridemir 2011, 99-103; Özbay 2010). It should be highlighted that EU policies towards the Black Sea region are usually in conflict with the Russian, but on the other hand, compatible with the US policies (Isic 2008; Aridemir 2011, 99-103; Özbay 2010).

Regarding the Turkish attitude toward the Black Sea, it can be stressed that this region has had an important strategic position in the eyes of the Turkish political elites. The Black Sea was considered an internal sea of the Empire during the Ottoman period; the protection and

sovereignty of the strait that connects this sea with the outside world represents the external strategy's most important priority in the Republic's traditional foreign politics of Türkiye. Besides the fact that the attitude of Türkiye toward the Black Sea during the Cold War period was very passive because of the circumstances of the bipolar world from that period, the role of Türkiye in the Black Sea region increased with the end of the Cold War period.

During the Post-Cold War period, the main characteristics of the Turkish policy towards the Black Sea region were the following: a) promoting stability and peacekeeping, b) protecting of territorial integrity of countries in the region, c) the establishment of economic unions, and d) diplomatic and economic activities for transforming the Black Sea region into a commercial attraction etc. Türkiye's leading role in establishing BLACKSEAFOR and The Black Sea Economic Cooperation (BSEC) in the Post-Cold War period is the best evidence for the statements mentioned above (Özbay 2010; Koca 2010, 78; Arıdemir 2011, 161).

TURKIYE-UKRAINE RELATIONS

In Turkish foreign politics, Ukraine is considered one of the most important countries in the Black Sea region. The strategic location of this country in the Black Sea and Eastern Europe region, its economic potential, its presence of energetic corridors (for example, 80% of the Russian gas that goes to Europe passes through the territory of Ukraine), the region of Crimea which is extremely important for Türkiye) are considered as most important factors that influence the vitality of the Ukrainian country within the strategies of the Turkish state. At the same time, some factors, like the increased power of Türkiye in the Balkans, the Middle East and Central Asia and its transformation into a vital factor in the Black Sea region after the Cold War period, are strengthening the position of this country for Ukraine's strategy (Özdağ 2012). Immediately after Ukraine's independence and confirmation of the decision brought by the population through a referendum, Türkiye recognized the independence of this country on 16 December 1991. Political relations Türkiye-Ukraine were established on 3 February 1992. After that, numerous political, legal, economic, military, educational and cultural agreements and protocols were signed between these two countries (Ministry of Foreign Affairs 2022).

Similarly, a significant contribution was made to develop bilateral relations through mutual visits on the level of the President, Prime Minister and Minister of Foreign Affairs. We should highlight that the official visit of the Prime Minister of the Republic of Türkiye to Kyiv, the capital of Ukraine and the Autonomous Region of Crimea, on 13-15 September 2012 is the best example. At the beginning of the 2000s, bilateral relations gained momentum. On 24-25 January 2011, during the official visit to Ukraine by the Prime Minister of the Republic of Türkiye, Erdoğan, the Turkish-Ukrainian Strategic Council at a High Level was founded, which raised the bilateral relations to the position of strategic relations. The first meeting of this Council was held during the official visit of Ukrainian President Yanukovich to Türkiye (22 December 2011), when essential steps for negotiations of the agreement for free trade and entering into force of the agreement for visa-free regime between these countries. In this context, the Mutual Group for Strategic Planning was established as a part of the Council. This was expected to be essential in developing international and regional issues and economic and cultural dimensions in bilateral

relations (Ministry of Foreign Affairs 2022; Özdal 2012). The last meeting of the Strategic Council at a high level was held on 3 February 2020 in Kiev (Ministry of Foreign Affairs 2022).

One of the important segments of relations between Türkiye and Ukraine is the Crimean Tatars. The source of interest of Türkiye for the Crimean Tatars should be looked at in the historical depths. The fact that almost 1 million citizens of Crimean-Tatar origin live in Türkiye and that the Autonomous Republic of Crimea, until the occupation and annexation by Russia in 2014, was inside the borders of Ukraine serves as a bridge in the bilateral relations (Drohobycky 1995; Özdal 2012). In this context, we should highlight that, except through diplomatic discourse, the Turkish state supported the reintegration of Crimean Tatars into Ukrainian society by building apartments and infrastructure (Dağlı 2009, 52-53).

Also, another important segment of Türkiye-Ukraine relations is that both countries play an active role in international and regional organizations. These two countries, besides their active roles in international organizations like OSCE, Council of Europe and NATO, and regional economic initiatives such as the Black Sea Organization for Economic Cooperation, are also involved in preserving the environment, like the Convention on the Protection of the Black Sea Against Pollution etc. They are also developing intensive relations within military cooperation and initiatives like the Black Sea Naval Cooperation Task Group (BLACKSEAFOR) and Operation Black Sea Harmony (OBSH) (Paçal 2007, 77-92; Bülent 2007, 77 - 92; Dağlı 2009, 176-191).

As far as economic and trade relations between Türkiye and Ukraine are concerned, we can state that these relations began with the agreement for trade and economic cooperation, which was signed on 4 May 1992 and implemented on 20 April 1994. In the later periods, numerous agreements and protocols were signed, which played a role in developing mutual trade and economic relations. The most important are the following: Agreement for customs cooperation and mutual administrative assistance; Mutual promotion and protection of investments; Agreement for prevention of double taxation; Mutual action plan Türkiye-Ukraine; Protocol for development of trade relations; International agreement for road transport; Agreement for the establishment of business council; Agreement for energy cooperation; Agreement for cooperation in the field of tourism; Agreement for cooperation between TSE and Ukraine; State committee for standardization, metrology and certification; Agreement for air transportation; Agreement for cooperation in the field of veterinary; Agreement for commercial sea freight (Türkiye Cumhuriyeti Ticaret Bakanlığı 2022). We should also highlight that on 3 February 2022, during the visit Erdogan to Ukraine, these two countries signed additional eight agreements to strengthen bilateral relations in different spheres (Mutlu 2022). Table 1 presents the data for the extent of trade between Türkiye and Ukraine in millions of US dollars.

Table 1: Türkiye and Ukraine Trade (Source: Ministry of Foreign Affairs 2022)

	2015	2016	2017	2018	2019
Trade Extent	4.700	3.926	4.401	4.437	4.881
Export	1.181	1.330	1.465	1.684	2.156
Import	3.519	2.596	2.936	2.753	2.725

It can be concluded that the holdings and companies of Turkish origin actively work in Ukraine. Dogus, Altinbas, Enka, Aysel, Cukurova and many other companies are investing in numerous sectors. Following the aim of strengthening the economic and human relations with Ukraine, the travel regime with an ID was implemented on the 1st of June 2017. In 2019, Turkish export to Ukraine reached 2.156 billion US dollars, whereas import from Ukraine was 2.725 billion US dollars, and the extent of mutual trade was 4.881 billion US dollars (Ministry of Foreign Affairs 2022). The total amount of investments from approximately 600 Turkish companies, most small and middle, which work in Ukraine, is approximately 3 billion US dollars, including those implemented in third countries. The total value of 184 projects undertaken by Turkish companies in Ukraine until now is 6.28 billion US dollars (Ministry of Foreign Affairs 2022). Simultaneously, it should be emphasized that tourism also represents an essential sphere of cooperation between Türkiye and Ukraine. The number of Ukrainian tourists that visited Türkiye in 2018 reached 1 million and 386 thousand, whereas, in 2019, it was 1.547.996 Ukrainian tourists (Ministry of Foreign Affairs 2022).

TURKIYE'S ROLE IN THE RUSSO-UKRAINIAN WAR

On 24 February 2022, Russian troops launched an attack on Ukraine under the command of President Vladimir Putin, who announced a 'special military operation' despite the warnings of world statesmen that this move could lead to the biggest war in Europe since the Second World War. A few minutes after Putin's short television broadcast, at around 4 o'clock Central European Time, the first explosions were heard near Ukraine's biggest cities, including Kiev. In Putin's first statement related to the aggression on Ukraine, he emphasized that it is about the 'demilitarisation and denazification' of Ukraine by repeating the claims that the radical right controls the government in Kiev. Simultaneously in his announcement, Putin highlighted that "Russia can not feel safe, it cannot develop and exist under the constant threat which comes from the territory of modern Ukraine" (Rusija ja napadna Ukraina 2022), followed by a warning against the western countries with the statement: "To those who are intending to interfere from outside: if you do that, you will face the consequences bigger than any of those you have faced in history. All relevant decisions have been brought. I hope that you can hear me" (Rusija ja napadna Ukraina 2022). On the same day, the Ukrainian Ministry of Foreign Affairs announced that major cities of Ukraine were targets of ballistic missiles. On the other hand, the Ukrainian Minister of Foreign Affairs, Dmytro Kuleba, announced that: "Putin has launched a total invasion against Ukraine" (Rusija ja napadna Ukraina 2022), adding that "peaceful Ukrainian cities are under attack. This is aggression. Ukraine will defend itself, and it will win. The world can and must stop Putin. Now it is the time to act" (Rusija ja napadna Ukraina 2022). The UN Security Council held an emergency session, where the UN General Secretary, Antonio Guterres, stated: "President Putin, give peace a chance. Too many people have died" (Rusija ja napadna Ukraina 2022). Besides the UN, at the same time, Western factors called for Russia to stop the invasion of Ukraine. The President of the USA, Joe Biden, stated through an announcement that the whole world is solidarizing with the Ukrainian people with the statement: "President Putin chose a premeditated war, which will lead to catastrophic loss of human lives and suffering. Russia is the only one responsible for the death and destruction this attack will bring, and the USA and its

allies and partners will receive a response in a united and decisive manner. The world will hold Russia responsible" (Rusija ja napadna Ukraina 2022). At the same time, the European Union, through its first diplomat Josep Borrell stated that: "these are some of the darkest moments for Europe since the Second World War" (Rusija ja napadna Ukraina 2022), while the President of the European Commission, Ursula von der Leyen stated that: "We will seek responsibility from Kremlin" (Rusija ja napadna Ukraina 2022).

As far as Türkiye's policy on the war between Russia and Ukraine is concerned, in the beginning, we should highlight that Türkiye has an evident attitude towards the preservice of the territorial integrity of Ukraine. After the meeting with Ukrainian Prime Minister Zelenskyy, during the days when tensions between Russia and Ukraine began, Turkish president Erdogan clearly stated the stance of Türkiye that the territorial integrity of Ukraine must be respected. Also, the Turkish Ministry of Foreign Affairs announced that Türkiye supports the territorial integrity of Ukraine and does not accept the Crimea annexation to Russia (Baltacı 2022). On 24 February 2022, the western countries, led by the USA, began to introduce sanctions against numerous state institutions, officials and oligarchs due to the Russian invasion of Ukraine. In this context, we should emphasize that Türkiye did not introduce economic sanctions against Russia and has chosen to implement a policy of 'active neutrality' by balancing its relations with Ukraine and Russia. (Rusya, Batı yaptırımlarını Türkiye üzerinden delmeye çalışıyor uyarısı 2022). This neutral diplomacy of Türkiye created a disturbance in the political circles in the US, so the US Deputy Secretary of the Treasury, Wally Adeyemo, warned the Deputy Secretary of the Treasury of Türkiye Yunus Elitas that Russian institutions and individuals are trying to use Türkiye in order to bypass western sanctions introduced as a result of the invasion on Ukraine" (Rusya, Batı yaptırımlarını Türkiye üzerinden delmeye çalışıyor uyarısı 2022).

During the war between Russia and Ukraine, based on its 'active neutrality', Türkiye has played and is still playing an important role in the region and international relations. One of Türkiye's more significant diplomatic initiatives was its intensive effort for a ceasefire through the introduction of the role of mediatory between Russia and Ukraine. The Turkish city of Antalya was the first chosen for negotiations at the highest level between the two countries. Under the mediation of Türkiye, on 10 March 2022, the Minister of Foreign Affairs of Ukraine, Dmytro Kuleba, and the Minister of Foreign Affairs of Russia met in Antalya and started negotiations for a ceasefire. However, the negotiations mentioned above did not provide the expected results. On 29 March 2022, under Türkiye's mediation, the Ukrainian and Russian delegations had two-day negotiations in Istanbul, where both sides stated their conditions for a ceasefire. David Arakhamia, a member of the Ukrainian delegation, stressed that Türkiye is considered one of the nations for which Ukraine wishes to be a guarantor. Simultaneously, the Ukrainian delegation has called on Russia to stop the occupation unconditionally.

On the other hand, Russia called Ukraine to accept the annexation of Crimea, disarm it, give up NATO membership and adopt a new approach towards the Donbas region (Baltacı 2022). Although the negotiations have increased the hope for a possible cease of military actions, the intensification of Russia's military activities on Ukrainian territory and the increase of western military aid to Ukraine were some factors that resulted in continued fights between the two countries.

One of the more important segments that marked the Ukrainian resistance against the Russian invasion is the success of the Turkish armed drone 'Bayraktar TB2', considered one of the most famous symbols of Ukrainian resistance against the Russian invasion (Nailia 2022). The significant losses of Russian soldiers and the destruction of the expensive and modern Russian military equipment by the relatively cheap Turkish drones resulted in the motivation of the Ukrainian forces; on the other hand, they created disturbance between Russian political and military structures. (Rusya, Türkiye'nin Ukrayna'ya drone satışından rahatsızlığını Ankara'ya bildirdi mi? 2022). As a sign of gratitude, the Ukrainian President, Volodymyr Zelenskyy, decorated Haluk Bayraktar, the executive director of the leading Turkish company for the defense industry Baykar, with an Order of Merit (Zelensky awards CEO of Turkey's Baykar with an Order of Merit 2022).

Simultaneously, Türkiye has played a significant role in the functioning of the so-called 'grain corridor', with the aim of activation of Ukrainian grain export and mitigating the world grain crises. On 22 June 2022, in Istanbul, an agreement between Ukraine, Russia, Türkiye and the UN was signed to re-export Ukrainian grain. Turkish President Recep Tayyip Erdogan and the General Secretary of the United Nations, Antonio Guterres, signed the agreement. At the signing ceremony, Turkish President Erdogan stated that the agreement would prevent billions of people from facing starvation, stressing that: "We are proud to be a key of the initiative that will play a great role in solving the global crises of food which have occupied the world for a while. The agreement will not only prevent billions of people face starvation, but it will also mitigate global inflation" (Vo Istanbul potpisan istoriski dogovor2022), adding that the mutual coordination center will execute implementation of the agreement for grain in Istanbul (Vo Istanbul potpisan istoriski dogovor 2022). In this context, we should emphasize that the Russian President sent fierce criticism against the western world, stating that almost all of the Ukrainian grain will go to EU countries (Putin'den Batı'ya 'tahıl' tepkisi: Erdoğan ile görüşeceğim 2022).

CONCLUSION

Throughout history, the strategic importance of the Black Sea region has forced many global and regional factors to create domination policies in this region. Besides this region's geopolitical and geostrategic location, various underground resources and population potential have turned the Black Sea into a critical strategic, economic, political and transportation center. Regional and global forces at the end of XX and the beginning of the XXI century created various policies and strategies towards the Black Sea region. In Türkiye's foreign policy, Ukraine is considered one of the most important countries in the Black Sea region. At the same time, Crimean Tatars represent one of the most important components of Turkish-Ukrainian relations.

On the other hand, the fact that both countries play a mutually active role in international and regional organizations is one of the most important dimensions of bilateral relations. Regarding trade and economic relations between Türkiye and Ukraine are concerned, we should highlight that the world economic and financial crises in 2007-2008, the Covid-19 pandemic, and the Russian invasion of Ukraine in 2022 had and are currently having negative reflections on these relations. However, when we consider the political relations between the

two countries, we can presume that the economic relations will develop upward, especially after the eventual cease of the crises in Ukraine caused by the Russian invasion.

Regarding Türkiye's attitude towards the Russo-Ukrainian war, we should highlight that Türkiye has a prominent stance towards the preservance of the territorial integrity of Ukraine. During the war between Russia and Ukraine, based on its new strategy named 'active neutrality', Turkish diplomacy has played and still plays a vital role in the region and on the international stage. During the war, one of Türkiye's more important diplomatic initiatives was its intensive effort for a ceasefire by implementing its role of mediator between Russia and Ukraine. Simultaneously, one of the more important segments that marked the Ukrainian resistance against the Russian invasion is the success of the Turkish armed drone 'Bayraktar TB2', considered one of the most famous symbols of Ukrainian resistance against the Russian invasion. Significant losses of Russian soldiers and the destruction of the expensive and modern Russian military equipment by the relatively cheap Turkish drones resulted in the motivation of the Ukrainian forces. On the other hand, created a disturbance between Russian political and military structures.

Also, Türkiye played a vital role in the functioning of the so-called 'grain corridor' with the aim of activization of Ukrainian export of grain and mitigating the world's grain crises. Finally, we should highlight that Türkiye's new diplomacy created during the Ukrainian crisis and named 'active neutrality' is a strategy that needs to be supported by regional and global political factors in a time when dialogue is missing between Russia and the Western world, without forgetting that the need for the Turkish role will increase, even more, bearing in mind the fact that the coming 2022-2023 winter in the world, especially the West can face series of consequences in the energy sector.

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SPECIFIC PROJECTION OF CHINA'S SOFT POWER IN AFRICA: A NEW SECURITY PARADIGM

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Abstract: According to the International Monetary Fund, the People's Republic of China is nowadays the largest economic power in the world. Therefore, it is unsurprising that China was represented in nearly every global market. Contrary to the belief that Chinese investments in underdeveloped countries should lead to their development and improvements in standards, Peking was accused of using the countries in development to strengthen its economy and to increase its political influence. The modus operandi was allegedly a striking example of projecting soft power in the expansion of hard power in many regions worldwide. The combination of economy, trade, investments and security questions was clear. This phenomenon was evident in Africa because China had a special and robust economic and geostrategic interest in this region. This research critically analyzed how this strategy can be considered a new security paradigm. In addition, there was a straightforward project from the Chinese government to extend this model to other regions to obtain global leadership.

Keywords: Soft Power; China; Security; Strategy; Africa

INTRODUCTION

The relationship between the PRC and African countries expanded mainly in recent years. The Forum on China-Africa Cooperation (FOCAC) played an important role in this expansion. The forum was founded on October 10, 2000, and consists, besides the PRC, of several African countries (except Eswatini, formerly Swaziland). The FOCAC served as a platform for the development of diplomatic relations. However, the African representatives insisted that the FOCAC should be used to develop economic relations between the Member States. This way, the African Member States gained access to sustainable alternatives to secure economic development, apart from the International Monetary Fund (IMF) or the World Bank, while China gained access to the African markets (Pelnēns 2010). A new or different globalization started with an ambitious China and defensive western countries (El Yattoui 2018). The impact of the 1980s debt crisis was substantial, with an apparent diminution of the infrastructure finance from multilateral banks and bilateral aid agencies. Between 2007 and 2020, China provided 2.5 times

more finance for African countries' infrastructure projects than all other bilateral institutions combined (Brautigam, Bhalaki, Deron, and Wang 2022). Major Chinese infrastructure projects have a lasting impact on the African continent. In several capitals, the Chinese have built an official building, a stadium, a conference center or a train station (Kernen 2014).

CHINESE SOFT POWER: DEFINITION AND HISTORICAL BACKGROUND

The Chinese influence goes through many elements, including cultural and economic. This country relies on active cultural diplomacy and a strong media presence to give a positive image. On the economic level, soft power involves the establishment of special economic zones, while the aid policy makes it possible to combine hard power and soft power. Chinese soft power is based on the principle of South-South solidarity while positioning China as a benchmark. The deployment of instruments of influence is also justified by domestic imperatives (such as access to energy resources) and the imperative to counter foreign criticism regarding this Chinese strategy in Africa. The Chinese success appears as an alternative to American and European partners (Bénazéraf 2014).

The end of the Cold War prompted Joseph Nye, at the end of the 1980s, to analyze the emergence of a new form of power, which he called "soft power" (Nye 1988). He was the first to consider that the traditional attributes of power (military force, demographic weight, geography, strategic resources), or hard power, declined during the Cold War in the face of elements such as institutions, the population's education level, technology or culture. He links the fall of the USSR to the weakness of its soft power and its inability to compete with the United States.

Soft power strategies seek to improve the image and strengthen the influence of the states. From the end of the Cold War, the concept of soft power aroused interest in certain Chinese intellectual circles, while the leaders of this country saw it as a 'Western concept'. Joseph Nye's (1988) first book on soft power was translated in 1992 by He Xiaodong and published by China's Military Translation Press (Courmont 2012). As Barthelemy Courmont (2012) explains very well, Wang Huning (1993) was the first to write about soft power in China, suggesting in particular that "if a country has an admirable culture and ideology, other countries will tend to follow it. (...) It does not need to make use of expensive and less efficient hard power" (p. 23). It takes up the broad lines of Nye's concept while emphasizing that culture is the main source of soft power. We had to wait until 2007, as Courmont (2012) reminds us, to see that soft power was officially adopted as a political principle during the 17th National Congress of the Chinese Communist Party (CCP). The plan was to use soft power to obtain full power's characteristics by having both hard and soft power.

Different currents of thought have developed because Chinese researchers have not all defined soft power similarly. Among these schools of thought is the 'Cultural school', also called the 'Shanghai school', which quickly established itself as the dominant school on the subject. It is so-called because of the importance it places on culture. It stems mainly from the conception of soft power proposed by Wang Huning in 1993. Culture is the primary source of soft power since it encompasses foreign policy and domestic political values. The proponents of the Cultural school consider the ancient history and traditional culture as the main elements of Chinese

cultural soft power. To improve the attractiveness of China on the world stage, this school, therefore, advocates the promotion of Chinese culture internationally (Courmont 2012).

SPECIFIC PROJECTION OF CHINA'S SOFT POWER IN AFRICA: A NEW SECURITY PARADIGM

Trade and exchange rates are good examples of Chinese influence in Africa. In 2019, the trade volume reached 192 billion US\$. China is also the largest foreign direct investor in Africa. Loans by Chinese creditors also increased. Estimates state that between 2000 and 2019, 1,141 contracts were signed, with an estimated value of 153 million US\$. The most considerable Chinese investments go into improving infrastructure and logistics (mining, energy, communication, transportation, warehousing, and wastewater industries). Such a rich portfolio of investments is not randomly chosen. It represents the broader intention of China to expand its 'Belt and Road Initiative' (BRI). The project is aimed to create new trade routes on land and sea. These investments also confirm the existence of resource sharing between Africa and China under the mediation of FOCAC, which should meet the demands of the BRI and the FOCAC (Broadman 2007). China is now considered a leading global investor. This country became a key actor in a few years: the second largest in Foreign Direct Investment flows with 143 billion dollars and the third largest in Foreign Direct Investment stock with 1980 billion dollars in 2018. Chinese Foreign Direct Investment stock increased by 94 times in only 15 years, between 2003 and 2018, from \$0.5 billion to 46.1 billion dollars (Zhang 2021).

In two decades, China became sub-Saharan Africa's principal lessor, holding 62.1% of its bilateral external debt in 2020, compared to 3.1% in 2000 (Bertrand and Zoghely 2021). We should be precise that these loans mainly benefit seven countries, concentrating two-thirds of Chinese loans over the period. The key actors are two governmental banks: EximBank of China (56.8 % of the loans) and China Development Bank (22.9 % of the loans) (Bertrand and Zoghely 2021). Since 2016, Chinese loans to this region have undergone a geographical reorientation and a drop in the amounts committed to secure this country's debts. This relative decline in Chinese loans is accompanied by a growth in foreign direct investment (Bertrand and Zoghely 2021). If the successes of Beijing's strategy of influence are the result of a process that was slowly organized, relying on soft power, the means that China has deployed to highlight its assets also explain this success, just as much as Washington's difficulties in maintaining American soft power. A pendulum swing from Washington to Beijing has thus taken place, with the difficulties of one intensifying the successes of the other (Courmont 2012).

China's presence in Africa has strategic goals. In the last decade, the Asian giant built a 'network of alliances' in different parts of the African continent (Horn of Africa, Central African countries and North Africa). They all have strategic importance, so China is trying to consolidate long-term geopolitical projects, the so-called Belt and Road Initiative and the String of Pearls. The country "has resumed the path undertaken by Zhen He" (Espin and Barona 2022). The expression 'China in Africa' reflects quite explicitly that Africa is, above all, a space, a playground where 'Chinese strategy' can be deployed (Kernen 2014).

Many discussions and critics about China's presence in Africa have existed for years in the academic world. They are talking about a 'new imperialism'. Dobler (2017) explained that

many scholars had analyzed the different “actors and institutions and their different agendas and ways of acting” (Dobler 2017, 450) and they “have differentiated between African countries and their economic and political trajectories” (Dobler 2017, 450). He is in clear opposition with scholars like François Bart (2011), David Bénazéraf (2014) or Cédric Le Goff (2017). These authors consider China a hegemonic power trying to maximize its interests without considering the African ones. Ngamondi (2020) opposes them about three ideas they share: the existence of a dominant thought, the ambition to re-colonize the African continent, and the disempowerment of African states. China developed a much more diplomatic approach to the region, maintaining good relations with African governments, respecting their political views and increasing economic ties. China does not impose language, culture or religion (Espin and Barona 2022).

Chinese President Xi Jinping announced the BRI project in 2013. It is one of the main pillars of the Chinese economy. Through the realization of this project, the PRC would finally strengthen its connections and trade with Europe, Africa, Latin America, and other Asian countries. The BRI includes 140 countries. Out of the 140 countries, African countries make up one-third, with countries in East Africa being more influential. Some of the most significant projects confirm this assumption, like the standard railway in Kenya, connecting Mombasa and Nairobi with the railways between Ethiopia and Djibouti. Even though the BRI helped the horn of Africa become an important hub for the new ‘Maritime Silk Road’, it is evident that China is using these projects as a form of soft colonization (Cegit 2022).

Apart from resource sharing to align the goals of the BRI and the FOCAC, China also uses a debt-trap policy when giving loans. Under such policy, China approves large-scale loans to partner states that do not have the potential to repay such loans. When the recipient of the loans cannot repay the loan in time, the government demands economic or political ‘favors’ like, e.g., ownership of ports, railways, or tax exceptions for its companies operating in the recipient’s state. Such strategies are present in different parts of the world and are used to increase power and economic influence. Particular countries cannot exit the debt trap because they still must repay the loans despite the demands they have fulfilled.

The most considerable controversy occurred in 2017 when a Chinese logistics center was opened in Djibouti. Officially opened in 2017, the Center’s main goal was to support and supply Chinese vessels from China to Europe. However, other countries, especially the United States of America, claim that China practically ‘occupied’ the territory to build the base. China arrived in the Horn of Africa through the Belt and Road Initiative expansion. Because the Government of Djibouti could not repay the loans received from China to build infrastructure, the Government of Djibouti was practically forced to rent a part of its coastal territory to very favorable conditions for the Chinese government so they could build the logistics center (Lanteigne 2009). The consequences of the competition between India and China over control of trade routes in the Indian Ocean can be related to the possible consequences of creating this military base in Djibouti. The idea is that China could also turn ports developed in Pakistan, Sri Lanka, Bangladesh and Myanmar into military installations to strengthen its position in this area. Many experts consider that the presence of the military base already consolidates China as a global power with strong ambitions and interests (Espin and Barona 2022). Long-term investments and China’s first military base outside its territory in Djibouti are increasing Chinese influence in the continent. A vigorous debate exists between the analysts who consider that African countries

would become strategic partners for China in economic and military terms. Others interpret these investments as a neocolonial policy to consolidate its global position (Espin and Barona 2022). This is the first Chinese military base outside its territory with a contingent of up to 10,000 troops (Dubé 2016). Chinese investments in the transport sector have also been significant in Nigeria, Algeria, Kenya and Ethiopia. However, Djibouti, receiving fewer funds, may be of “equal or greater strategic importance to China” (Espin and Barona 2022, 9).

Many countries implied that the Center is, in fact, a Chinese naval base. China denies these claims, stating that the state is paying an annual rent of 20 million US\$ and that the Center was built to protect Chinese interests in the region, especially the maritime trade routes. However, it is fascinating that China has enforced the Center by drilling through the sea floor and expanding the docks so they can receive two aircraft carriers. Some officials state that this has been built so that the newest Chinese nuclear submarines can dock in these centers. These submarines have also been spotted in the Indian Ocean (Cegit 2022).

Apart from Djibouti, Tanzania has also been caught in the ‘debt trap’¹. Currently, China and Oman are building the ‘Bagamoyo Mega Port’. In 2019, however, the work on the projects came to a stop because of accusations against Chinese investors. The accusations stated that certain conditions were ‘humiliating’ and ‘unacceptable’ for Tanzania. Two conditions in the contract were brought into question. One condition binds the Government in Dodoma to the obligation not to develop or build other ports, while another allows the Chinese government to rent the mega port for 99 years (Mattern 2007). Two years after the works stopped, negotiations are taking place about the continuation of construction, with the outcome still unclear. Apart from the Bagamoyo Port, Tanzania received funds from the Chinese EXIM Bank to build gas pipelines and railways. Tanzania is the next African state to receive a Chinese submarine basis because of the Bagamoyo project. Thus, the two conditions in the contract should not be surprising. Instead, it should be treated as the primary goal of Chinese investments.

The previous examples show that China has a developed pattern of debt-trap politics. These politics are used to enforce and expand the influence in Eastern Africa, primarily targeting developing countries with many natural resources. To achieve these goals, China uses private companies and investors, like, e.g., the EXIM bank, which Beijing runs *de facto*. The whole meaning behind Chinese operations in Africa has the goal of enforcing the Chinese presence in the Indian Ocean. This position is essential for the BRI and the ‘String of Pearls’ strategy. Such a strategy aims to surround India with Chinese ports from the South China Sea to the Horn of Africa (Djibouti). China also aims to build a base in Cambodia to increase its presence. The process of economic dominance is followed by private security companies in China, who are now employed in Africa as well (Nye 2007).

The main goal of private security companies in China is to secure BRI projects. One of the largest private security companies in Eastern Africa is the ‘DeWe Security Service’, which employs more than 20,000 workers (The Economic Times 2022). Their activities span from Djibouti and Ethiopia through South Sudan and Kenya. At first glance, this company appears private. However, according to Chinese laws, all security companies with more than three members must have a highly-ranked member of the communist party present on the board of

¹ Debt-trap diplomacy is used to define a creditor nation extending loans to another nation in order to expand its political advantage.

directors. Furthermore, 51% of the ownership must be state-owned, with most of the employees being former members of the Chinese army (Cegit 2022). It is evident that these companies, together with conglomerates and banks, are just one of the instruments China uses to improve its presence in Eastern Africa (Gill and Reilly 2007).

Based on the presented information, it is evident that Beijing learned an important lesson from history. This explains why any direct conflict or military conquest is strictly avoided. China uses different ways to control key areas in Eastern Africa to ensure its position and protect its economic interests. Despite the avoidance, China managed to ensure increased deployment of its troops in Africa, mainly through the support of the United Nations (UN). More Chinese troops in Africa are protecting Chinese projects today than peacekeeping troops deployed by Member States of the UN Security Council. Such a movement of troops develops the Chinese African Standby Force (ASF). Thanks to international missions, the People's Liberation Army (PLA) has diplomatic coverage for its presence in countries vital to the BRI. Since China is the UN's second-largest investor, Beijing could use this position to largely influence decision-making regarding its interests in Eastern Africa (Cegit 2022).

The most important remaining questions for Africa are the immense debts and the inability to repay them. Despite the promise made by the Chinese President in 2019 that the BRI projects will be more transparent and favorable for developing countries, with many sources claiming that there is a change to the structures and the repayment periods, there is no guarantee that developing countries will be able to repay their debts. Therefore, there is a threat that developing countries might face situations where they would be pressured into signing concessions (Tomic and Saljic 2020).

Kenya is one of the countries that face an overtake of their port in Mombasa by Chinese companies since Kenya cannot repay the debt taken to build its railway. Such an outcome can be predicted based on the presented examples of other states (Taylor 2009).

CONCLUSION

Undoubtedly, China will continue to build its 'Maritime Silk Road'. Evidence for it is found in the constant improvement of their naval force. Therefore, the main focus of the BRI could be targeting Western and Southern Africa. It remains unclear whether Beijing will use the same strategies as in Eastern Africa. It is also questionable whether China will use the same strategies in Europe since the Chinese FDI has mainly increased over the years, especially in the Western Balkans (Krstinovska 2022). The first country to experience the Chinese debt trap policy was Montenegro. Currently, Montenegro cannot repay the loan taken from the EXIM Bank, and it remains unclear whether Montenegro would have to sign the control over Port of Bar, the largest commercial port in Montenegro, to its Chinese partners (Taylor 2006). The Chinese government argues that these investments are part of a win-win strategy. It supports the internationalization of some of its companies. Indeed, it has significant leeway in the projects it decides to finance. It should be emphasized that large Chinese companies frequently prepare these projects, even when African states carry them out, in the hopes of completing them autonomously. Therefore, the Chinese government can still shape the internationalization of particular 'their' businesses, albeit in different ways (Kernen 2014).

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SMALL ARMS AND LIGHT WEAPONS SMUGGLING AND BOKO HARAM CHALLENGE TO NIGERIAN SECURITY: A CASE STUDY OF THE BENIN-NIGERIAN POROUS BORDER

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Abstract: *Porous borders continue to be the principal source and conduit for small arms and light weapons (SALWs) throughout Africa, particularly Nigeria. Presently, Nigeria's security environment is severely endangered by the operations of the Boko Haram insurgent group, which often uses smuggled firearms and ammunition. Scholars have paid little attention to analyzing the smuggling problem in SALWs and their threat to Nigeria's internal security amid the Boko Haram menace. This study addresses the SALWs smuggling, and Boko Haram challenges to Nigerian security by using the Benin-Nigerian Porous Border as a case study. This paper discovers that the porous Nigeria-Benin border and the lackadaisical attitude of both governments have enabled transnational crime of the Boko-Haram sect. The paper recommends adequate coordination between security services and residents to battle the scourge of cross-border proliferation of small guns and light weapons between Benin and Nigeria. This study recommends a West African regional security network structure to regulate borders and coordinate security to curb SALWs and other criminal activities.*

Keywords: *Boko Haram; Nigeria; Insecurity; Borders; Small Arms and Light Weapons*

INTRODUCTION

Security has long been an international issue. Current security issues, especially in developing countries such as Nigeria, show the limitations of authorities in various ways. Nigeria is plagued by ethnoreligious conflicts and militancy, political disagreements, terrorism, assassinations, and abductions (Komolafe and Adeyemi 2020). Insurgents from Boko Haram have also threatened Nigeria's security in the northeast. Disagreement, conflict, and crime are as old as human settlements, yet the most pressing issue is their expansion and development. In his works, Eric Hobsbawm (1969) connected 'social banditry' to the class struggle. Hobsbawm claimed that a social bandit is a group of less fortunate individuals that oppose and rebel against their rulers. Hobsbawm saw societal banditry in the peasant-lord relationship, in which

the peasant complained, agitated, and robbed the wealthy to repay the impoverished. He characterized societal banditry as a global crime involving actors and non-actors. Banditry is not a new phenomenon but rather an old aberrant behavior that spreads via multidimensional strategies such as those used in the current study.

Since the chaos and lawlessness of the 1990s in Liberia, small arms and armed groups have flourished, and their criminal activities have extended across West Africa (De Andres 2008). Current Small arms and light weapons (SALWs) proliferation is crucial to the emergence and continuation of ethnoreligious disputes, insurgency, and political violence in several West African countries (Onuoha 2011; Adejumo *et al.* 2021). The UN Panel of Government Experts described SALWs in 1997 as “Small arms range from clubs, knives, and machetes to those weapons just below those covered by United Nations Register of Conventional Arms, for example, Mortars below the caliber of 100mm” (Di Chiaro 1998, 31). This group would also include automatic assault weapons, rifles such as the AK-series Kalashnikovs, the USM-16, and the Israeli Uzi; PPGs; machine and sub-machine guns; shoulder-fire surface-air missiles (SAMs); and personal weapons. Even though certain illegally aggressive behaviors have a historical background, the continual availability of SALWs is a significant influence. Many state and non-state actors in West Africa illegally obtained SALWs through smuggling. The deaths from violent wars hindered the work of international humanitarian organizations, causing millions of innocent people to migrate, and overstretched the peacemaking and peacebuilding capacity of organizations like ECOMOG, the African Union, and the United Nations (Aluko 2012).

Nigeria’s closeness to West African conflict zones has historically facilitated the entry of weapons into the country. Thus, security became a significant issue in Nigeria’s foreign policy. The government had to re-strategize, collaborate, and share intelligence with its immediate neighbors (Benin, Cameroon, Niger Republic, and Togo) to manage and preserve territorial security (Omotuyi 2012). The Nigeria and Benin Republic border is a strategic site between Lagos and Ogun State of Nigeria. The border involves the Badagry-Cotonou (Seme Border) and Idi-Iroko-Porto Novo (Idi-Iroko Border). Within this border, transnational crime is prevalent. Such activities include the smuggling of SALWs and other illicit items, human trespass, and cross-border crimes, which pose a severe security threat since criminals use the region as a hidden location that allows them to move swiftly between border regions. The porous Nigeria-Benin land border and the indifference of both governments have also facilitated another transnational crime (Human Trafficking, Drugs). In recent years, crime has gotten worse in some places near the border, which has led to more gun sales (Dadur and Aliyu 2021; Bassey and Asira 2022). For the reasons stated above, this study examines the problem of SALWs smuggling and the threat to Nigeria’s internal security amid the Boko Haram menace.

SMALL AND LIGHT WEAPONS (SALWs) TRADE

Small and light weapons (SALWs) are commerce that generates and emerges from crises, creating possibilities and wealth for those who want to cause chaos. The world has transitioned from centuries-old symmetric conflict to asymmetric warfare, in which small and light weapons (SALWs) have destroyed lives and property (Awaru *et al.* 2022). Due to the clandestine nature of the weapons trade, economic considerations such as commerce, profitability, and employment

connect directly with foreign policy problems such as human rights, international order, and security. Many of these weapons trades include a spectrum of legality and civility, ranging from the official or formal trade to the black and grey markets (Eyo *et al.* 2022). Weapons transactions on the black market are unlawful in execution and conception, whereas the grey market refers to arms transactions made through legal channels but handled secretly. Nonetheless, these two marketplaces violate global accords, national laws, and weapons embargoes (Pérez *et al.* 2021). From a pragmatic standpoint, it is difficult to distinguish between the legal, black, and grey markets.

Global military expenditures are projected to have totaled \$20 trillion in 2020 (over the preceding decade) (Erdogan *et al.* 2022). This is a significant growth since 2000 and accounts for 8.6% of the international gross domestic product (Elveren 2022). The annual value of the trade-in of conventional armaments, both large and small, is around \$690 billion (Abramson 2021). The United States, Russia, the United Kingdom, France, Germany, Sweden, the Netherlands, Italy, Israel, and China are often cited as the world's foremost makers and dealers of weapons and materials (materials refers to the equipment, apparatus, and supplies of a military force). An estimated 700 million SALWs exist around the globe, often destabilizing countries' tranquility and causing international law problems (Abramson 2021).

The unregulated international trade in conventional arms, especially in small arms and light weapons, has become an exacerbating factor in armed conflict, violent crime, and internal repression (Adejumo *et al.* 2022). The five permanent members of the United Nations Security Council dominate the arms trade: China, France, Russia, the United Kingdom, and the United States, along with Germany and, increasingly, Israel. The arms industry and its powerful political friends have forged a parallel political universe that largely insulates itself against the influence or judgment of others by invoking national security, also known as the 'shadow world'. This 'shadow world' is always shrouded in secrecy (Simon 2012). Arms deals are often concluded between governments who turn to manufacturers (many of which are now privately owned) to fulfill them. In some instances, governments enter into contracts directly with commercial suppliers, and companies do business with each other or third parties, some of whom are not even legal entities, which includes non-state actors - from armed militias, insurgent groups, informal clusters of terrorists, and pariah states. The sale and supply of weapons often involve murky intermediaries (known as arms dealers or brokers).

The arms trade accounts for more than 40% of all global trade corruption. The sheer magnitude of the contracts, the small number of people who make purchasing decisions, and the cloak of national security lend themselves to massive bribery and corruption (Feinstein and Choonara 2020). Many states across the globe have been actively participating in the illegality of the arms trade, while many more have been quite content to countenance the behavior.

THE PROGRESSIVE MARCH OF ARMS: AN ABBREVIATED HISTORY

Weapons have been essential to the development of every civilization. It is often believed that only humans are capable of murdering another species at a distance, making them superior to all other living things on earth. From the ancient past to the present, weaponry has undergone significant changes and improvements.

The throwing spear was the oldest weapon used by humans (Schoch *et al.* 2005). In 6000 BC, the bow and arrow entered the history of weapons. This was the first weapon of its kind where the projectile motion played a role in hunting and killing (Speth 2012). The bow and arrow were the weapons of choice for quite a long time. However, by the end of the middle ages, edged weapons with metalworking emerged (where the arrow tips were made of bronze). In 2000 BC, iron replaced bronze weapons due to its simplicity in manufacturing, lower price, and easy availability (Ferrill 2018). Gradually, iron weaponry started to get sophisticated. During this period, history witnessed an escalation in large-scale warfare. The rise in warfare was responsible for the demand for more sophisticated projectile-throwing weapons. The next paradigm shift in weaponry was gunpowder (also known as black powder). It is believed that gunpowder in cannons was first used in the battle of Crecy in 1346 (Ferrill 2018).

In 1380, the same was introduced, commonly named 'handgonne'. Later, the handgonne was replaced by the 'arquebus' (Flatnes 2013). After that, the ignition system of the firearms was developed, which in furtherance gave birth to the 'serpentine' firearms (Heard 2011). However, there were quite a few disadvantages *vis-à-vis* these weapons, because of which the XVI century saw a relative change in the mechanism of the ignition system with the invention of wheel lock firearms. The next generation of firearms was the 'snapback'. It is believed to have appeared first in 1570 (Hutson 2012). The mechanism in the 'snapback' was comparatively cheaper (Pegler 2011). Next in the line of arm tech was the 'flintlock'. The ignition system, which superseded the wheel lock, was a simple mechanism that provided a spark by striking a piece of flint against a steel plate. In this regime, three varieties of flintlock were manufactured: snapback, miquelet, and true flintlock (Pegler 2011). The flintlock dictated the arms market for almost two centuries until Alexander Forsyth discovered Mercury fulminate (Heard 2011). This mechanism of ignition was named 'percussion priming'. The percussion priming system was popular from 1807 to 1814 (Thomson 2009). Joshua Shaw further improvised this mechanism (Moon 2012).

In 1851, Lefauchaux developed an accurate breech-loading weapon that contained a cartridge in which the missile and primer were held together in a case made of brass. This 'pinfire' system of firearms was very popular between 1890 and 1910 (Souter *et al.* 2014). The same was available until the Second World War. The next in the line of progressive marches was the 'rimfire' system. To eliminate the drawback of the pinfire mechanism, the rimfire system introduced a thin-walled cartridge with a hollow flanged rim (Souter *et al.* 2014). Based on this system, Smith and Wesson introduced the first revolver. However, just like all its predecessors, this was also not immune from any drawbacks. This system was further replaced by a groundbreaking 'center fire' system.

Hiram Maxim developed the first machine gun in 1884 (Shain 1998). The pivotal factor in any battle was the ability to fire more projectiles in a short time. At the same time, from smoked gunpowder to smokeless gunpowder, the machine gun became an efficient and practical

weapon. These two were so related that the production of machine guns escalated with the invention of smokeless powder. The late XIX century witnessed the development of semi-automatic pistols. Terrible confusion exists about what a pistol, revolvers, self-loading pistols, and automatics are (Shain 1998). In every period of history, the sophistication of firearms and weapons has evolved. As regards automatic firearms, the 'repeater' was one of the popular firearms that could hold more than one cartridge. Without charging, the repeater could fire one after the other. The American Springfield Model 1892-99 is one of the early repeater firearms (Poli 2010). This firearm was very popular during the Spanish-American War (Lienesch 1980). Later, the revolver made an entry with a unique feature of a rotating cylinder, which could hold even more cartridges. After that, the first rapid-fire gun came into existence. Richard Gatling invented the first rapid-fire gun in the 1860s, but it needed four men for its operation. Then came the age of self-loading firearms (1884), the 'Maxim Guns' (named after their inventor, Sir Hiram Maxim) (Willbanks 2004). The Maxim guns paved the way for self-loading rifles in 1908. Manuel Mondragon invented the first self-loading rifle (the Mondragon rifle) (Johnson and Haven 2015).

After a decade, Theodor Bergmann invented the world's first submachine gun in the Second World War. Germany developed the first successful assault rifle (StG 44) (De Quesada 2014). This firearm was a paradigm shift because it bridged the gap between pre-existing machine guns, short-range submachine guns, and long-range rifles. Later, during the Vietnam War, sophisticated arms like the M16 came into existence. After that, Russian-made Kalashnikov (commonly known as AK 47) assault rifles became the most popular and globally used rifles of all time (Pyadushkin 2013). High-tech conventional weapons have brought with them new challenges. Today's world has a high potential for significant casualties and the illegal trade of rifles to criminals.

BOKO HARAM: ORIGIN AND IDEOLOGY

Since the early 2000s, the militant Islamist organization 'Ahl al Sunna li al Da'wa wa al Jihad' has been active in northern Nigeria under the alias Boko Haram. Boko Haram roughly translates to "Western education/civilization is forbidden" (Onapajo and Uzodike 2012). Due to its preaching against Western influence, attendance at government institutions and colleges, and employment in government positions, the organization unwittingly earned this moniker (Hentz and Solomon, 2017). Boko Haram's beginnings are traced to the northern Nigerian city of Maiduguri. In 2002, a group of radical youths who had previously worshipped at a local mosque led by Alhaji Muhammadu Indimi proclaimed the Nigerian Islamic establishment to be intolerably corrupt and left the mosque. They established a strict Islamic separatist community in Kanama, close to the Niger border. They advocated an anti-state worldview and urged Muslims to retreat from society and return to a life governed by 'authentic' Islamic law. Some consider this to be the commencement of Boko Haram, even though the term 'Boko Haram' was not in use (Amaechi 2019).

There is little proof that the organization had any ties to the Taliban or other foreign jihadists, despite being called the 'Nigerian Taliban' by locals (Onuoha 2012). In December 2003, the gang allegedly clashed with the police over a community disagreement about fishing rights.

Either the group assaulted local police stations (Agbibo 2017). Most of the group's members, including the commander, were slain during the conflict. In 2004, the survivors returned to Maiduguri. They rejoined the Alhaji Muhammadu Mosque-affiliated youth organization directed by the Islamic preacher Mohammed Yusuf. They continued to fight for the Islamist cause, and the organization was ultimately dubbed Boko Haram (Uzodike and Maiangwa 2012). Initially, Boko Haram was primarily concerned with isolating itself from society. The leader, Mohammed Yusuf, preached against what he considered the inability of contemporary Nigerian Muslim lives to be Islamic. In addition, he criticized the 12 northern states that had lately accepted Sharia for improper implementation (last year). On a property owned by his father-in-law, he built a mosque for a group that promoted a purer form of Islam outside of civilization. The mosque was called Ibn Taymiyyah Masjid, after an Islamic scholar from the XIV century (Talmon-Heller 2018). Gradually, a community with a cabinet, a religious police unit, and a vast farm emerged around the mosque. After things settled down for a while, the gang focused on bringing in new members and getting supplies.

The organization sometimes attacked activities and locations it deemed immoral, such as gambling spots and bars. According to reports, the Boko Haram group members on their way to a funeral were stopped by police for not wearing motorcycle helmets. Violence erupted, and several individuals were injured (Agbibo 2017). Several police officers were then killed in attacks on police stations and other government institutions in the northeastern states of Yobe and Bauchi. They also attacked mosques and churches (Agbibo 2017).

The military retaliated, and five days of battle resulted in over 800 fatalities, most of whom were Boko Haram fighters (Comolli 2015). Mohammed Yusuf, the head of Boko Haram, was apprehended on the fourth day of the crackdown. He passed away in captivity soon afterward. The police stated that security agents killed Yusuf after a gunfight as he attempted to flee. However, Human Rights Watch in Nigeria has demanded an urgent inquiry into the incident, calling it 'extrajudicial' and 'illegal' (Comolli 2015). The death of Yusuf signified the end of the first reasonably tranquil stage in the formation of Boko Haram. The police resumed their search for Boko Haram members and supporters, arresting those who had left and seized their belongings. According to a local journalist, more than 100 people suspected of aiding Boko Haram vanished around this time, although the police denied any role in this (Bamidele 2015). The remaining militants of Boko Haram departed the region. In January 2012, Nigerian security officials informed Reuters that they had tracked the number of Nigerians to militant training camps in Algeria from September 2009 to September 2010. According to more unnamed sources, members of Boko Haram were trained in the Mal, Somalia, and Cameroon (Bamidele 2015).

In September 2010, however, Boko Haram was back in Nigeria under a new commander, Yusuf's former second-in-command Abubakar Mohammad Shekau. In September 2010, the group raided a jail in Bauchi State and liberated over 700 prisoners, including approximately 100 Boko Haram militants (Pantucci and Jespersen 2015). This incident marked the beginning of a new era in Boko Haram's development, during which the group's attacks have grown more regular and sophisticated. Before 2009, Boko Haram conducted just a few assaults per year using tiny hand weapons and knives. However, in this second phase, the group began executing attacks almost weekly. Since 2011, it has used explosives and suicide bombers. The number of

people killed in Boko Haram attacks went from more than 100 in 2010 to almost 800 in 2012, which is in line with the attacks getting more complicated and happening more often (Pantucci and Jespersen, 2015).

According to Mahmood and Ani (2018), although Boko Haram's first phase "was centered on a mix of preaching, recruiting, and violent resistance against the state", Boko Haram's second phase "focuses on the spectacular drama of hyper-violence" (p. 49). This move seems to have been precipitated by the assassination of Mohammed Yusuf and the rise of a new, more extreme leadership. Boko Haram's persistence and radicalization are also linked to poverty, inequality, and the political marginalization of the North. Dissatisfied politicians who want to undermine the current government's legitimacy also support Boko Haram, as do security forces that use too much force and religious fundamentalist traditions.

It is unclear what Boko Haram hopes to accomplish with its assaults. The organization does not seem to have produced a powerful ideological statement outlining its goals or purpose. Based on several brief comments issued by the organization, media interviews with some senior leaders, and the selection of targets, it is feasible to identify some of Boko Haram's primary objectives. The group's goals and worldview tend to center on three primary concerns. First, Boko Haram seeks the imposition of Sharia in Nigeria and harsher enforcement in the 12 northern states that have already accepted it. Second, Boko Haram is concerned with more significant concerns about governance, including overthrowing the Nigerian government, abolishing democracy, and establishing Muslim rule in Nigeria. Third, Boko Haram wants revenge, especially on the security forces for killing Muhammad Yusuf, its former leader, and on the Nigerian government, which Boko Haram says is corrupt. Boko Haram murdered 6,600 Nigerians in 2014 (O'Doherty 2017).

The organization burned 59 schoolboys in February 2014 and abducted 276 schoolgirls from Chibok, Borno State, Nigeria, in April 2014 (O'Doherty 2017). According to Olarewaju (2021), the Boko Haram threat has resulted in the deaths of over 314,000 people in Nigeria's Northeastern area alone. Furthermore, suicide bombings and the detonation of many explosive devices in public locations have resulted in many victims and devastating effects. According to Bello (2021), since 2009, Boko Haram has killed more than 30,000 people and displaced more than two million. It indicates that the organization no longer cares about the vulnerable in crisis circumstances, such as women and children. In addition to being victims of the group's cruelty, women and children are now involved in committing mass crimes (Bello 2021). This is shown by cases where innocent women and children have been seen wearing bomb vests to harm the public's trust. Mickler *et al.* (2019) stress that between 2011 and 2015, Boko Haram seized a region about the size of Belgium.

BOKO HARAM ATTACKS: A TRANSNATIONAL PHENOMENON

Nigeria borders Niger, Chad, Cameroon and Benin. It has several border entry routes from these four countries, most of which are unmanned and uncontrolled (Abegunde and Fabiyi 2020). The porous nature of these borders heightens the potential for transnational transactions. Boko Haram's origin in Maiduguri, a city located in the Northeastern corner of Nigeria, bordered by Niger, and Cameroon, situates itself within a predominantly Hausa-speaking population with

linguistic, cultural, and ethnic ties to its neighbors – increasing the risk of conflict spillover. This, therefore, means that the area affected by Boko Haram comprises people who speak the same language and have a common mode of life. Additionally, a small portion of Boko Haram's leadership is foreign-born or has traveled outside Nigeria for extended periods (Eveslage 2013).

According to Umar (2013), Boko Haram has also embedded in what international security agencies term the 'arc of instability', spreading across Saharan and Sahelian Africa from the Atlantic to the Indian Ocean. It is feared that this area of unsafe borders and general governability will become a breeding ground for the Sahel and Sahara-based Salafi-jihadi groups. Due to the proximity of some extremist groups in this region and their similar ideology, it is feared that their collaboration would result in the ability to launch globally aggressive terrorist attacks. Adding to this 'perfect storm' was the fall of Gaddafi's Libya, unleashing a catalyzing regional arms trade and the vacuum of governance in northern Mali. This is not to mention the low level of economic development, higher incidence of famine, and desertification in many areas of western Africa that may sway local populations to support radical groups who claim to support their interests.

Boko Haram attacks took a cross-border dimension on July 27, 2014; over 200 militants stormed Kolofata, a town in Cameroon's extreme north region, targeting the residence of the Vice Prime Minister, Amadou Ali (Waddington 2014, 49). During that attack, the wife and sister-in-law of the Vice Prime Minister, as well as the Mayor and Seini Lamine, a senior religious leader, were kidnapped to an unknown destination. The night before, Boko Haram had attacked the Cameroon military in the extreme north region, resulting in four Cameroonian soldiers' deaths and the kidnapping of thirteen (13) others. The abduction of the Cameroonian soldiers marked the Spread of Boko Haram attacks in Cameroon. Additionally, two sons of Bieshair Mohaman, a traditional Cameroonian leader in Limani, were kidnapped on 15 July 2014 (Tar and Bala 2013).

In Chad, border security was expanded on 6 August 2014, when Boko Haram militants crossed into the country and gunned down six persons in Dubuwa village. In a more brazen attempt to enter Chadian territory, on August 16, 2014, Boko Haram kidnapped 97 people, including boys and several women, from the Doron Baga fishing village in Lake Chad (Antimbom 2016). In March 2020, over one hundred Chadian soldiers were killed in a nocturnal assault on the Bohoma peninsula of Lake Chad, precipitating an offensive headed by Chad's then-president, Idriss Debyltno. President Deby was killed during a battle against Boko Haram in northern Chad in April 2021 (Scheele 2022). His son, MahamatIdriss Debyltno, replaced him as the head of a military junta.

Walker (2012) notes that some factors, including the following, facilitate the transnational characteristics of Boko Haram operations:

1. Firstly, the borders of the affected countries are long and porous, with little security, immigration or control checkpoints. The vast 'ungoverned spaces' allow Boko Haram and other criminal gangs easy passage into the various countries and ready space to create safe heaven where attacks and training of new members are carried out. Nigeria shares a soft border of 2,000 miles with Niger, Chad, and Cameroon and has almost 1,500 illegal or unmonitored crossing routes.

2. Secondly, the concerned countries lack the expertise to combat terrorism and insurgency, mainly because the warfare is non-conventional, except the Chadian military that has engaged terrorist groups from Mali and North Africa, the army of the other countries are poorly trained for the asymmetric warfare waged by Boko Haram.
3. Thirdly, Nigeria's slow and weak response to initial attacks by Boko Haram and the absence of an early regional counter-terrorism initiative allowed the terrorist crises of the region to grow out of proportion (Brantly 2014).

Today, the economic needs of the big cities of Porto Novo, Cotonou, and Lagos, which are linked through the border corridor in the South, are constitutive of this cross-border vitality.

GEOGRAPHICAL CONDITIONS OF THE BENINESE-NIGERIAN BORDER

The boundary between the Federal Republic of Nigeria and the Republic of Benin is about 700 kilometers in length (Okoi and Offor 2020). The existing boundary corresponds to the 1889 inter-colonial line established between the British and French colonies. Since there are few natural borders between these two nations, their precise delineation is uncertain in some regions. It is difficult for immigration and customs officers to handle and monitor the vast expanse of lagoons and marshlands in the Ouémé valley, which have traditionally acted as transit and trade conduits. The many small markets along the border, from the North to the South, constitute the backbone of the bustling trade network between the two nations. These marketplaces also serve as the primary points of interaction and trade between rural and urban residents. The border area has historically been the epicenter of commercial activity between the two nations. Since colonial times, the Southeast, with its various local marketplaces, notably Lagos and Badagry, has been the epicenter of commercial activity.

Consequently, the southern border zone between Lagos and Sémé-Podji is highly crowded (Ojiakor *et al.* 2021). Today, the economic needs of the big cities of Porto Novo, Cotonou, and Lagos, which are linked through the border corridor in the South, are constitutive of this cross-border vitality. The porous nature of the boundaries exacerbates this. Along the whole border is a maze of small rivers and streams that have never been restricted and are unmonitored by law enforcement and border control. The lagoon between Porto Novo and Lagos, as well as its pirogue traffic, helps transfer agricultural products like rice and cooking oil. Today, the border is crucial for both nations and the subregion. Remarkably, the Beninese economy relies heavily on informal commerce with its more prominent neighbor (Nigeria), especially re-exporting products. These operations are profitable because Nigeria and Benin have not harmonized their economic policies. In addition to having two independent monetary systems, the naira and the CFA franc, the discrepancy in import tolls, which are often higher in Nigeria, have fostered undeclared economic activity and produced profits through re-exportation operations. According to *Laboratoire d'Analyse Régionale et d'Expertise Sociale* (LARES), both Benin and Nigeria have predicated their development agendas on re-exportation: Benin imports goods from Europe and Asia before shipping them to Nigeria (Meyer 2008). According to estimates, informal cross-border commerce accounts for over 75% of the Beninese GDP (Golub 2021, 212). This statistic, which contrasts with the norm of 43 percent for sub-Saharan Africa, demonstrates the Beninese economy's reliance on this sector and its strategic

position as one of *L'Etat-entrepôt*. With its enormous and continuously expanding domestic consumer market, Nigeria is Benin's primary trade partner. On the Nigerian side, informal cross-border commerce accounts for over 20 percent of the country's GDP. It includes transactions with Nigeria's neighbors, particularly Niger and Cameroon. Thus, there is an uneven connection, with Benin being considerably more reliant on Nigeria's (illegal) market's accessibility than vice versa. In the past, Nigeria has taken advantage of this by utilizing its border regulations to demonstrate its authority. In 2003, when Obasanjo closed some of the borders between Nigeria and Benin, the Beninese economy was in dire straits. Gasoline is a crucial product illegally smuggled into Benin. Large volumes of gasoline are smuggled into Benin from Nigeria, which is cheaper (Burgis 2016). This illegal trade is a significant source of income for many residents of the border communities. In 2004, 73 percent of the Beninese market was filled with illegally imported gasoline, which is more accessible in distant areas and less expensive than the gasoline sold by the state-owned SONACOP (Burgis, 2016).

ILLEGAL ACTIVITIES AND CRIMINALITY AT THE BORDER OF BENIN AND NIGERIA

Informal commerce, both legal and criminal, is the most prevalent transnational activity within the Benin-Nigeria border. Despite growing sub-regional and international collaboration, cross-border criminal operations remain a significant factor in sub-regional insecurity. In recent years, the complexity of TOC has expanded dramatically. This development has happened concurrently with a more significant commitment to the free movement of people and products in the ECOWAS area, intended to foster regional progress and stability. TOC has existed in West Africa since the 1960s when individuals and international syndicates operated on a lower scale.

Numerous transnational criminal operations occur over the Nigerian-Beninese border. They include the trafficking of small guns and light weapons, drugs, and human beings, as well as cross-border armed assaults, after which offenders often flee to avoid punishment. Like other border areas in West Africa, the porous border between Nigeria and Benin and poor administration on both sides encourage transnational crime. Recently, crime has surged in and around large cities and border towns. Some communities, such as Djoffin (Bénin, in Médédéjonou), became actual exchange marketplaces for stolen goods and contraband, and they formed part of a larger criminal trade network. In both border towns, informal merchants and criminals find sanctuary and collaboration, making them difficult to apprehend. In 2003, the TOC between Benin and Nigeria rose substantially, including an international robbery network headed by the notorious Hamani Tijani, resulting in repeated Nigerian border closures (Adeola and Oluyemi 2012). Armed assaults, extortion at illegal checkpoints, and criminal activity are common along the corridor between Benin and Nigeria. The most prominent example would be the 2008 double assault on several banks at the Dantokpa market in Cotonou by Nigerian criminals who illegally entered the nation through the lagoon. In addition to the deaths and injuries, a substantial sum of CFA was taken from banks and market merchants (Ojiakor *et al.* 2021). In addition, the Beninese-Nigerian border is notorious for smuggling drugs, small guns, and light ammunition from Benin to Nigeria. Human trafficking is also rampant: 20,000 children in West and Central Africa are subjected to forced labor and trafficking. Many of these children

travel from Burkina Faso, Togo, and Benin to Nigeria and Europe, where they live and work in slave-like conditions (Ayittey 2005).

There is little up-to-date information on illicit small arms and light weapons illegally smuggled into Nigeria through the Benin-Nigeria border. This is partly a result of the illegal nature of the transactions. The lack of information is also due to poor record-keeping. The Nigerian Customs Service (NCS) and the police keep records of arms seizures and arrests, but the data is inconsistent and often incomplete (Babaita 2020).

A widely cited estimate by the Small Arms Survey (2003) suggests that there are seven to ten million illicit small arms and light weapons in West Africa. An estimated one million (Babaita 2020) to three million small arms and light weapons are in circulation in Nigeria alone. These are rough estimations based on population size and levels of conflict. Although uncertain and somewhat outdated, they nevertheless indicate the scale of the problem. Civilians are said to hold the majority of weapons in Nigeria. A 2001 estimate claimed that 80 percent of the weapons in civilian possession had been obtained illegally because of strict laws on civilian acquisition and possession (Tella *et al.* 2018). As these laws are still strict, we can assume that the proportion of illegal weapons remains high.

According to the Nigerian Customs Service (NCS), a total of 2,294 arms seizures with a value of 1.8 billion nairas (11.4 million USD) were made throughout the country between January and June 2012 (Ofstedal 2013). Weapons transit illegally into Nigeria via sea ports and across land boundaries. The transactions are difficult to trace, but many transit countries are often mentioned, including the four neighboring countries Benin, Chad, Niger and Cameroon, and Guinea-Bissau and Gabon. The three main entry areas for arms smugglers are said to be in the South-West (Idi-Iroko in Ogun State and Seme in Lagos State), in the South (the port city of Warri in Delta State), and the North-East at the border with Niger and Cameroon (Adamawa, Borno, and Yobe States) (Odoh and Uchenna 2015).

The weapons' origins are uncertain, but weapons seized by the NCS have been traced back to various countries, including Iran and China (Odoh and Uchenna 2015). Weapons have also been recirculated from other conflict zones in the region.

BOKO HARAM CRIMINALITY AND BENIN-NIGERIAN BORDER INFLUENCE

Boko Haram uses various weapons in its attacks, ranging from knives and machetes to machine guns and improvised explosive devices (IEDs). Their weapons appear to have become more advanced gradually. In 2010, the group began using explosives for the first time, and in June 2011, the group conducted the first suicide attacks recorded in Nigerian history, using vehicle-borne IEDs. However, the most common method of Boko Haram attacks is still drive-by shootings from motorcycles using small arms. Specifically, Nigeria's internal security is influenced by events in the Benin Republic due to the shared geography and history of the two nations. For instance, the severity of transnational crimes such as smuggling and small-illegal weapons trafficking in Benin has grave implications for the security of Nigeria. As a result, Nigeria enacted various regulations to respond more effectively to security threats emanating from the Republic of Benin. Mohammed *et al.* (2019) produced research that used content analysis to investigate the significance of the Nigeria-Benin land border and how it affects the

interdependence of the two sister states on the border, as well as its progressive implications on Nigeria's internal security. The research discovered that Nigeria-Benin links had existed since before the arrival of colonial overlords, with economic activity and anthropological commonalities between ethnic groups in the two nations. This assured a long-lasting connection, even after the colonial rulers divided the territory. At the same time, symbiotic links between the nations facilitated the occurrences of weapons smuggling and their rivalry with Nigeria's national security. This resulted in various attempts to combat the issue, culminating in the Nigerian government's closing the border entirely. The article discussed Nigeria-Benin border insecurity, which has a strong relationship with the current research, designed to analyze how border instability has influenced insecurity in northwest Nigeria.

According to Blum (2014), the most significant security concern along the Nigeria-Benin border has been the occurrence of small arms smuggling. According to the research findings, the border between the two nations remains the region's most critical economic and strategic location. Blum researched the cultural and physical environment of the Beninese-Nigerian border and clarified the porousness of the border and the growing fear of criminal activity between the two sister nations over the years. He analyzed the cultural characteristics of the border region, illicit companies over the border, and transnational criminal activities as the most pervasive and significant difficulties in the region, which remain numerous. These areas attracted so many illegal activities, such as smuggling small arms and light weapons (SALWs) and border disputes, because criminals considered the area perfect for their cruel behavior to accomplish their intended aims without trial. The biggest issue with the Nigeria-Benin border is the lethal activity of Boko Haram in the northern portion of the nation, which aids their operational crossing into the Benin Republic. Furthermore, the author discovered that the mobility of people and the trade of products had facilitated global economic events across nations.

Smuggling of arms across the land border of Nigeria and the Republic of Benin has, over time, increased and intensified the number and destructive nature of robberies, the persistent effect of ethnic militias, and their associated conflicts (Eliagwu 2003). It was estimated that by 2002, there had been about fifty violent conflicts in Nigeria, resulting in thousands of deaths and leaving several people dispossessed. The escalation of arms smuggling and their influx into Nigerian societies have added significantly to the country's national security burden, with the attack on former President Obasanjo's daughter falling victim to criminal activities, resulting in the deaths of two innocent children and security personnel (Eliagwu 2003). Another report revealed in 2003 by Benin Republic Television indicated the interception of cargo loaded with SALWs. The cargoes were purportedly transited into the country by Hamani Tijani (Adeola and Oluyemi 2012).

It is illegal for anyone to acquire guns in Nigeria. Thus, since Boko Haram cannot lawfully acquire weapons and supplies to improve its planning and attacks, it strongly relies on smuggled items into the country. Onapajo *et al.* (2012) also claim that Boko Haram smuggles most of its weaponry into Nigeria via Nigeria's neighboring nations, Cameroon and the Benin Republic. The smuggling of these weapons has been made possible in part by the porous nature of Nigeria's borders, the Protocol on the Free Movement of Persons of the Economic Community of West African States (ECOWAS), which facilitates migration among western African

states, and the long-standing ethnolinguistic and historical ties between the Benin Republic and northern Nigerians.

In 2010, a shipment of Iranian rocket launchers, grenades, and other explosives was intercepted between the borders of Benin and Nigeria, causing a diplomatic incident between the two nations and later between Iran and Senegal, which accused Iranian security forces of using the route to supply weapons to its Casamance rebels (Akerle 2021). In October 2012, the Nigerian government seized a ship and detained its 15 Russian crew members on suspicion of weapons smuggling after discovering several firearms and around 8,500 rounds of ammunition aboard the vessel between Benin and the Nigerian border (Winter 2013). In 2021, the Nigerian minister of foreign affairs, Geoffrey Onyema, met with his counterpart from the Benin Republic, Aurelien Agbenonci, to discuss the smuggling of small guns, light weapons, and narcotics into the nation, he averred in an interview:

We will look into all these, and we're going to report to the two presidents. We more or less agree on a mechanism where Nigeria's intelligence security and customs will, together with Beninoise counterparts, be able to monitor the borders and ports in Benin to ensure we don't have smuggling of small arms and light weapons and drugs (Adepegba 2021).

In 2022, the Nigerian Minister of Information, Lai Mohammed, led a team to the Seme border with the Benin Republic. The minister said that the failure of Nigeria's neighbors (Benin Republic) to comply with several MOUs and the ECOWAS transit protocol contributed to the decision of the Nigerian government to consider sealing the borders. He said:

Unfortunately, experience has shown that our neighbors do not comply with this Protocol. In most cases, five containers are loaded onto one truck and duty is paid as one truck. This improper trans-loading of transit goods makes it impossible to properly examine such goods, resulting in the importation of illicit goods, including arms and ammunition, without being detected (Tunji 2022).

Before using automatic guns, grenades, and explosives against fortified or vulnerable positions, Boko Haram has often begun its operations by striking opportune targets with small arms. Many of the group's first weapons are thought to have been captured by security forces. However, after the 2009 crackdown on the sect by the security services, the group's offensive capabilities, which included the deployment of Improvised Explosive Devices (IEDs), sophisticated grew rapidly due to the smuggling from neighboring countries via porous borders and networks.

CONCLUSION

Although certain illegal, violent acts have historical roots, the continuous availability of SALWs is a pivotal contributor to the rise in such acts. Over time, SALWs have accumulated through smuggling across borders, facilitating their proliferation. As the paper shows, the proximity of Nigeria's borders to Benin has historically facilitated the movement of illegal weaponry into the nation. As a result, smuggling networks and armament transfers have

been equally prevalent. Thus, Boko Haram insurgencies in Nigeria and abroad prompted the fear of allowing the accessibility of weaponry into Nigeria and the prospect that insurgent organizations and other criminals may use these arms to destabilize the government. The occurrence of transnational criminal activities over Nigeria's land boundaries is vital to the country's continued peace. Nigeria's land boundaries with the Republic of Benin are the most significant of all her borders.

Recommendations

In response to the escalating concerns that contribute to the current global security challenges and Nigeria in particular, the research suggests the following policy implications for Nigeria:

1. The border lines must be reversed and redefined: regional organizations such as ECOWAS and concerned states should come to the aid of border insecurity by revisiting and redefining borderlines with anthropological features in mind to prevent claims of dual citizenship and illegal smuggling of SALWs;
2. Government should be able to account for armaments released to security agencies: It is the obligation of the government to be aware of the number of guns released to maintain security and to be able to check for missing arms regularly to regulate the weapons' excessive circulation.
3. Employment opportunities and eradication of poverty: employment opportunities and equal distribution of resources should be encouraged to bridge the existing gap between the haves and the have-nots to reduce the level of poverty and avoid youth recruitment into Boko Haram;
4. An increase in the number of security personnel and the provision of modern working tools are required to match the problematic insecurity situation in the country;
5. Employment and equipping additional security agencies
6. Participation and aid from the community: Different societal segments, including youth associations, should be involved in mobilizing and socializing society regarding the negative repercussions of criminal activities.
7. There is a need for more vital coordination between security services and residents to battle the scourge of cross-border proliferation of small guns and light weapons between Benin and Nigeria.
8. There is a need for a security network structure across West African nations to enable efficient border control and security coordination between the nations to prevent the growth of SALWs and other criminal activities.

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CHINA'S UNILATERAL CLAIM IN THE SOUTH CHINA AND EAST CHINA SEA: AN ANALYTICAL STUDY

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Abstract: *The increased territorial conflicts in the center of the maritime South and East China Seas have ramifications for Asian regional stability. The area is resource-rich, strategically placed along waterways, and has indisputable oil and natural gas reserves. There had also been a perceived change in the international system built by the United States during World War II, with China attempting to replace it as the regional power. China's behavior toward the remaining claimants, as well as to some extent toward other foreign parties in the conflicts, is examined using ideas from International Relations and case studies from International Law. Employing a qualitative research design, the author attempted to analyze the territorial dispute in the East China Sea and the South China Sea. This paper explains how the islands are strategically located near commercial fishing grounds, major shipping channels, and undiscovered oil and gas potential and how the issue is linked to China's preservation of national sovereignty, while the remaining claimant states perceive it as an incursion by the approaching menace of China. Whoever gains control of the islands eventually gains control of a major portion of East China and South China Seas' economic resources.*

Keywords: *China; Dispute; East China Sea; South China Sea; Islands; Economic Resources*

INTRODUCTION

The territorial waters of the countries in the East and South China Sea are often violated by China, and it has now enlisted Russia's help, heightening concerns about military activities in the region. Recently Japan spotted warships of Russia and China in the disputed East China Sea Island for several minutes, as reported by Kyodo News Agency (Kumar 2022). China's territorial sovereignty and resource claims in the East and South China Seas are one of three connected but different types of maritime disputes or groups of concerns between Beijing and other countries. Apart from the Taiwan issue, disputes over maritime disputes over maritime sovereignty and resources are primarily focused on (a) the Sino-Japanese impasse over overlapping maritime resource claims and sovereign control over the Senkaku/Diaoyu islands northeast of Taiwan and (b) the intricate web of disagreements between Beijing and several Southeast Asian nations (Vietnam, the Philippines, Malaysia, Brunei, and Taiwan) over numerous islands, atolls, reefs, and shoals in the South China Sea.

Another set of disagreements concerns the activities of naval military operations within China's Exclusive Economic Zone (EEZ) and non-demarcated 'near seas' (jinhai), including US

Navy ISR operations and exercises along China's coastline, allied concerns over PLAN naval transits and the growing PLAN presence in sensitive waters close to other states, and conflicting interpretations of the rights of foreign navies to operate in EEZs as defined by the UN Convention on the Law of the Sea (UNCLOS). On a more general scale, the third set of issues is more strategic and affects the entire region of the so-called 'first island chain', which stretches from Japan to Southeast Asia. These issues have not yet reached the status of an active dispute, instead forming an intensifying competition. They result from the tension between the long-held American belief that maintaining military superiority in the Western Pacific was necessary and the recently emerging Chinese capability to challenge some aspects of that belief. This capability has primarily been manifested through deploying increasingly potent 'counter-intervention' or anti-access, area-denial (A2/AD)-type weapons systems along China's maritime periphery.

The United States is destined to play a significant role in handling these exponential issues as the dominant maritime power in the Western Pacific, with a solid commitment to maintaining peace and stability in the region, and as an Asian power with specific political, economic, and security relations with two regional allies involved in the above disputes (Japan and the Philippines). In recent years, Washington has been far more involved and direct in maritime conflicts in the South and East China Seas.

The Paracel Islands, located in the South China Sea, are governed by the People's Republic of China and are claimed by Vietnam and the Republic of China (Taiwan). During the Chinese Civil War in 1950, China took control of sections of the islands from Taiwan (The World Fact Book 2015). In 1951, Japan relinquished its claim to the islands. Due to a diminished US military presence and South Vietnamese garrisons, China took unilateral action in 1974 and took control of the remaining islands from South Vietnam, thereby controlling the whole archipelago (Tri and Collin 2014). In 1991, China updated the infrastructure on Woody Island by building a runway, avoiding the problem of sovereignty, and postponing settlement (Fravel 2008). China founded the city of Sansha in Hainan Province to manage the territory on 12 July 2012. On Woody Island, a military base with an updated 1.24-mile airport and an artificial harbor was developed (Boudreau 2014). China's state-owned energy corporation completed drilling activities near Vietnam's claim between May 2 and 15 July 2014, sparking naval clashes at sea and violent anti-Chinese demonstrations on land (Li 2014).

The Spratly Islands comprise around 100 tiny islands or reefs and 12 larger islets. The Spratlys, like the Paracels, have excellent fishing grounds and possible oil and gas resources. The Spratlys and its surrounding waters are strategically significant since they carry more than half of all worldwide merchant traffic and 80 percent of oil bound for Japan, South Korea, and Taiwan.

From 1933 until 1939, the islands were under French control, and then during the second world war, Japan seized the archipelago (Pletcher 2015). Following 1951, the islands were claimed by China, Taiwan, and Vietnam, partly by Malaysia and, in 1955, by the Philippines. Brunei claims Louisa Reef as an extension of its continental shelf and part of its exclusive economic zone. Taiwan has held Itu Aba, the biggest island in the Spratly group and the only one with a freshwater supply, since 1955. Taiwan launched reclamation activities in 2014 as part of a \$100 million port project, with no opposition from China, adding to an existing radar station and meteorological center (Pincus 2015). The Philippines has had a military airstrip on the island of Zhongye Dao since 1975 at Ranudo Air Field. Recently, a Sino-Philippine maritime standoff

occurred in April 2012 at Scarborough Shoal, followed by a show of force off the Philippine-held Second Thomas Shoal (Tri and Collin 2014). In reaction to the Chinese buildup during the previous 18 months, the Philippine government stated in June 2014 that \$11 million would be put aside to improve the runway and associated infrastructure (Pincus 2015). Taylor Fravel observed an upsurge in competition between China, the Philippines, and Vietnam between 1992 and 1995, with contracts for seismic surveys and petroleum exploration given to Crestone, Mobil, and Alcorn (Fravel 2008). To bolster its claim, China began dredging land on four Spratly Islands in May 2014, sparking suspicions of a southerly expansion and force projection (Ansfield 2014).

China constructed a 1.86-mile-long land feature large enough for a runway and a harbor capable of accommodating tankers and significant surface combatants near Fiery Cross Reef in August 2014 (Panda and Ramachandran 2014). Already occupying islands with airstrips, China now ranks with Taiwan, the Philippines, Malaysia, and Vietnam (Wong and Ansfield 2014). Unlike China, however, several signatories abstained from establishing any more structures following the 2002 signing of the Declaration on the Conduct of Parties in the South China Sea until recently (Malik 2013). The Chinese's zeal and magnitude of reclamation operations vastly outpace those of the other claims. The signatories to the 2002 'Declaration on the Conduct of Parties in the South China Sea' express their adherence to international law, especially the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Other features of the ten-point agreement include freedom of navigation and overflight, peaceful resolution of disputes without the use or threat of force, restraint to prevent conflict escalation, cooperative efforts, and peace and stability promotion (The Asian Secretariat 2012). Although the national oil firms of China, the Philippines, and Vietnam signed a collaborative agreement to undertake seismic activities in March 2005, the statement agreed in Cambodia in 2002 fell short of an enforceable code of conduct (The World Fact Book 2015). The Nine-Dash Line is a barometer of China's ambitions in the Paracel and Spratly islands. The nine-dash line, or U-shaped line, was initially a portion of the eleven-dash line put out by the nationalists in 1947 under Chiang Kai-shek and was amended by the People's Republic of China in 1953 (Malik 2013). Malaysia, Vietnam, and the Philippines filed claims with the UN Commission on the Limits to the Continental Shelf in 2009. China filed a counterclaim with a map showing a nine-dash line suggesting an unclear area within the U-shaped border.

The US openly requested China and Taiwan to explain their respective claims and bring them into compliance with international law on 5 February 2014 (Bader 2014). This "uncertainty fits China's internal aim, which is to maintain the government's legitimacy and satisfy domestic public opinion", Sun Yun, a former analyst for the International Crisis Group in Beijing, says (Hill 2012). If the nine-dash line becomes a reality, China will control 80 percent of the South China Sea.



Figure 1: China Claims Over the South China Sea (Source: China Daily Mail 2012)

China and Taiwan claim the Senkaku Diaoyu islands, five uninhabited islands in the East China Sea (based on ownership since the XIV century). Japan had claimed sovereignty of the islands since 1895, when the islands were annexed by Cabinet resolution and only after a ten-year survey declared the islands unoccupied. The United States governed the Senkaku/Diaoyu islands until 1969 when the Okinawa Treaty handed them back to Japan. The UN Economic Commission for Asia and the Far East conducted a geological study in 1968, which led to the discovery of oil and gas deposits beneath the seabed (Liao 2008). China, Japan, and Taiwan renewed their sovereignty claims in the 1970s. China's energy demands are increasing, and reliance on Middle Eastern imports, similar to Japan's postwar energy economy, leaves the country vulnerable. According to the US Energy Information Administration, the East China Sea contains 100 million barrels of oil and one to two trillion cubic feet of natural gas, which is enough to provide China's long-term energy needs for the next 100 years (Guo and Katakey 2012). Rallies erupted across China on 18 September 2012, four days after Japan declared its intention to buy the islands from their private owner. Some claim the government staged the protests to fuel nationalist feelings (The Economist 2012). According to political expert Li Weidong, the countless demonstrations that have erupted around China and the government's accommodating attitude are reminiscent of the Qing dynasty's employment of Boxers to combat foreign political intrusions. There is evidence that Chinese government officials were participating in the demonstrations, including the police chief of Xi'an, a western metropolis. Wenfang Tang and Benjamin Darr of the University of Pennsylvania concluded in a study that nationalism is utilized to stifle widespread calls for democratic reform. China, America, and Japan were also found to have the most significant levels of nationalism among the 36 nations evaluated during the last decade. The Japanese government bought the three islands from their private owner in September 2013, hoping to prevent them from falling into the hands of their right-wing nationalists (The Economist 2013). Instead of pleasing China, the decision sparked a

new round of public and diplomatic objections since any administration regarded as accommodating is viewed as weak by its supporters (BBC News 2014).

Beijing established an Air Defence Identification Zone (ADIZ) in November 2013 to strengthen its stance against Japan. The ADIZ is a prophylactic measure to avert mishaps such as mid-air collisions. Even though no international agreements control an ADIZ, it is a security and safety measure that governments follow (Welch 2013).

Table 1: China's Claim in the South and the East China Sea (Source: Fravel 2008, 267)

Dispute	Senkaku/Diaoyu	Paracel	Spratlies
Other Claimants	Japan, Taiwan	Vietnam, Taiwan	Brunei, Malaysia, Philippines, Taiwan, Vietnam
Other Non Claimants	United States	United States	United States
Number of Islands and Location	8 islands in the East China Sea	13 Islands in the South China Sea (Amphitrite and Crescent Groups)	44 Islands in the South China Sea
Basis for Claim	Historical context	Historical context	Historical context
Occupied by	Japan	China	Brunei, China, Malaysia, Philippines, Vietnam
Interests	Resource, Economic, Strategic, Sovereignty	Resource, Economic, Strategic, Sovereignty	Resource, Economic, Strategic, Sovereignty
Use of Force		1974 China	1988, 1994 China

THE ANALYSIS OF THE DISPUTE

Tension in the South China Sea

The South China Sea has become a hotly contested region with growing Chinese aggression. The country's unilateral maritime claims have led to disputes with multiple littoral states. While furthering its claim, China has violated international law and challenged the sovereignty of many countries. The South China Sea is one of the busiest waterways in the world, serving as a vital commerce and maritime transportation route. The South China Sea conflicts involve maritime and island claims between the region's sovereign governments. The countries geopolitically located in the Indo-Pacific region and parties to the dispute are Brunei, Taiwan, China, Vietnam, the Philippines, Vietnam and Malaysia. China has lately made headlines for unilaterally altering the situation on the ground in the South China Sea. It is expanding its footprint in the South China Sea amid the Covid-19 pandemic. It agreed to form two districts to oversee the disputed Paracel and Spratly islands in the South China Sea. Previously, Beijing has given new names to 25 islands or reefs and 55 underwater entities in the South China Sea to reassert its authority over the region. The Spratly Islands, Paracel Islands, and maritime limits in the Gulf of Tonkin are among the areas of controversy. Waters surrounding the Natuna Islands

in Indonesia are also controversial. The acquisition of fishing grounds surrounding the two archipelagos, suspected crude oil and natural gas in various regions of the South China Sea, and control of strategically significant shipping routes are why these areas are contested and essential to the involved nations.

The South China Sea occupies a strategic connection because it connects the Indian Ocean with the Pacific Ocean, the most important commercial sea route. The sea has a very high degree of economic significance as it is a vital sea lane of communication and is rich in natural resources. Nearly 60 percent of the global maritime trade passes through this South China Sea. The countries present in the South China Sea are heavily dependent on the sea for global commerce. The sea is also rich in natural resources. According to studies conducted by the US Energy Information Administration, the South China Sea holds 11 billion barrels of oil and 190 trillion cubic feet of natural gas, thus making it economically very significant (US Energy Information Administration 2013). The United States plays a critical role in resolving the conflict because it has extensive security obligations in East Asia and is allied with numerous nations bordering the South China Sea, including the Philippines, Singapore, and Vietnam. As a result, any disagreement between them will directly impact the United States.

Tension in the East China Sea

Japan legally claimed the Senkaku/Diaoyu islands in 1895, and they have been privately owned by a series of Japanese people for the majority of the past 120 years. Aside from a brief period during World War II when the area was under US authority, Japan effectively controlled the islands since 1895. In the 1970s, China started claiming the Senkaku/Diaoyu islands, alleging historical rights to the territory. Tensions flared again in September 2012 when Japan bought three disputed islands from a private owner. The economically significant islands northeast of Taiwan have prospective oil and natural gas deposits, are close to major shipping lanes, and are bordered by productive fishing grounds. The Exclusive Economic Zone (EEZ) claimed by each nation is 200 nautical miles from its coast. However, this area overlaps with China and Japan because the distance between them is just 360 nautical miles (Council on Foreign Relations 2019). President Barack Obama became the first American president to expressly clarify in April 2014 that the US-Japan Security Treaty covers the disputed islands. However, the US does not take a formal stance on its ultimate sovereignty. An unintentional military event or political blunder by China or Japan might entangle the US in armed conflict with China (Panda and Tiezzi 2014). In 2012, Japan and China started discussing creating a crisis management tool. Tensions reached their pinnacle in 2013, when China announced the creation of an air defense identification zone - an area over land where civil aircraft are identified, located, and controlled for national security purposes - talks came to a standstill (Rinehart and Elias 2015). Early in 2015, bilateral talks to establish the maritime and aerial communication mechanism were restarted after Japan and China issued a four-point consensus paper outlining their disagreements about the disputed islands (Tiezzi and Kuo 2014). The process was introduced in June 2018 following nine rounds of high-level consultations (Kyodo 2018).

As China and Japan continue to develop their military capabilities in the region, notably their radar and missile systems, tensions over the disputed Senkaku/Diaoyu islands have risen

(Gady and Harán 2018). China and Japan created a new crisis communication hotline in June 2018 to prevent unintentional collisions at sea and in the air (Kyodo 2018). Although the number of times Japan's military had to scramble planes in response to Chinese air intrusions decreased by 41% in 2017, the Ministry of Defence of Japan indicated that the number climbed in 2018 and is expected to continue to rise in 2019. Japan has recently erected new military outposts on surrounding islands, ostensibly to keep an eye on the Miyako and Tokara Straits and stop China from advancing its military capabilities in the area (Denyer 2019).

Regarding China's approach toward rival claimants in the conflicts, several elements are at play, including a shifting balance in the international system, sovereignty claims, and resource constraints. The Paracel, Spratly, and Senkaku/Diaoyu islands are all located near undiscovered oil and gas resources. It is impossible to say how much of a role oil plays as a component in the war. Some argue that oil is sufficient motivation for conflict (Samuels 2015). Others feel it is only a facet of the claimants' internal and export requirements. If the first scenario is correct, increasing demand and the availability of prospective oil raises the stakes, dangers, and general instability in the region. The concepts of soft and hard power and the self-help system that underpins realist ideology is used to evaluate a shifting balance in the international system. In the East and the South China Sea disputes, China has demonstrated its ability to use soft and hard power in its dealings with rivals. China offers an alternative to the International Monetary Fund (IMF) and the World Bank to display its soft power reach and expand its regional economic influence.

China announced the establishment of the Asian Infrastructure Investment Bank in 2014, which will be able to fund large infrastructure projects across the region. Apart from intra-ASEAN trade, China is ASEAN's most prominent commercial partner, accounting for roughly 14.5 percent of total trade, followed by the European Union (EU), Japan, and the United States. China's soft power reach has so far included hundreds of infrastructure projects worldwide, ranging from mining operations in Africa to the modernization of the Nigerian railway to the construction of highways spanning Asia and Europe (Giang and Johnson 2011). China appears to be going to great lengths to ensure its objectives are mutually beneficial rather than antagonistic. One might judge which actions are offensive or defensive based on one's point of view. Soft power as a tactic of containment has positive and negative implications for China. The deployment of military, economic, or soft power against China is a divisive issue, particularly after its failure during the Cold War (Nye 2007). Japan has been accused of using the Trans-Pacific Partnership (TPP) to restrain China and divert attention away from the main problem of lowering tariffs and opening up its protected rice market in recent negotiations between the US and Japan. The Chinese can claim that trade is being used to benefit them.

Japan serves as a weapon for containment and a political tool for avoiding challenging domestic concerns (The Economist 2015). The Obama administration's justifications for Congressional passage include the use of the TPP by the United States as a counterweight to China's expanding economic strength and as a global standard-bearer (Calmes 2015). The international community's response to China's soft and hard power employment reflects the international system's shifting balance. According to Stephen Walt's 'balance-of-threat' theory, the claimant nations prioritize intangible values over tangible assets. External sources of threat impacted by the intangible variable of sovereignty provide a stronger push for claimant state

behavior in the East and South China Seas disputes, according to the Balance of Threat theory. Neither Japan nor China is willing to give up its territorial claims, and territorial conflicts continue to intensify. Each country has used economic statecraft to establish its stance, whether through a boycott of consumer goods, import restrictions, or reaching out to other countries to counter China's increasing assertiveness (The Economist 2014).

China has used a delaying strategy in the East China Sea, and the South China Sea conflicts up until recently. In contrast, the remaining claimants have used balancing behavior, not against the most powerful state in the system but against the more dire state of China. According to Fravel, domestic or internal sources of insecurity motivate the Chinese leadership to collaborate in territorial disputes; the two variables have a direct association. The drive for off-shore land disputes involving sovereignty is likely to be the opposite, as leadership may utilize territorial problems to sway domestic opinion in its favor. There are no concerns about internal regime security in the South China Sea disputes; thus, there is no incentive to collaborate (Fravel 2005). Fravel looked at twenty-three territorial conflicts dating back to 1949 and discovered that China had made concessions in at least seventeen of them, none of which involved off-shore disputes. Instead, China uses a delaying strategy in the off-shore disputes, emphasizing the islands' worth regarding maritime rights to resources, access to sea lanes, and strategically as bases for force deployment. States are "most likely to use a delaying approach in order to maximize potential economic or strategic rewards" (Fravel 2005).

As an internal dimension of China's actions, the concept of sovereignty and nationalism also plays a role. Nationalism and consecutive strong views, according to Fravel and Dobson, appeal to conservative leaders and factions. Their power base degenerates due to rapid economic modernization and subsequent reforms. A global backlash against China's actions could reduce reforms to a sustainable pace (Dobson and Fravel 1997). There is a desire to compensate for territory lost during the Qing era, accompanied by growing waves of nationalism.

China has used soft and hard power in its interactions with its neighbors. Despite signs of rising economic interdependence between China and the other claimants in the East and South China Sea disputes, China prefers to take a military approach to the conflicts. China aims to decrease its vulnerability by gaining control of vital waterways due to the self-help aspect of the international system. It strives to seize control of disputed resources to ensure its economic security. China's soft power is already being used in other countries. The Paracel, Senkaku, and Spratly islands cases are the most recent examples of China ensuring its military security by using hard power to counterbalance the US in the Asia Pacific region.

China's Truculent Approach

Beijing has taken various aggressive measures to support and assert its claim since 2007, including an increase in the number of ships and the frequency of patrol and training exercises, the establishment of new administrative entities and the elevation of existing ones. The approach further includes the announcement of parcels for development in disputed areas, efforts to create new *status quo* in specific cases through taking control of one land feature and undertaking sustained incursions into the nearby airspace and waters of a disputed group of

islands, and a variety of diplomatic and not so diplomatic actions, from demarches to formally presenting justifications or claims to international organizations and issuing threats or advisories against foreign oil firms. This broad trend of increasing activity has been observed since 2008, peaking over the Senkaku/Diaoyu islands in spring 2011, spring/summer 2012, and currently. The majority (but not all) of China's increasing activity has been primarily caused by the activities of other claimants, in addition to Beijing's improved capabilities to install assets in disputed territories as a whole. China's increasingly aggressive moves have mostly been a part of an interaction dynamic among multiple claimants, as Taylor Fravel and other observers have pointed out (including most notably Vietnam, the Philippines, and Japan, in addition to China).

As mentioned above, although typically intended as a sort of 'tit-for-tat' reaction, Beijing has occasionally chosen to deliberately escalate the situation to establish a new status quo in its favor or to take more decisive action to show resolve and prevent further escalations by others. Examples of this conduct include the May 2011 cable-cutting incident, the April 2012 takeover of Scarborough Shoal, the June 2012 declaration of exploration blocks, and the beginning of routine intrusions into the Senkaku/Diaoyu islands region in October 2012.

According to some experts, these and other activities are a part of a larger intentional Chinese strategy to use perceived provocations as justification for pre-planned actions to alter the *status quo*. This implies that Beijing may even fabricate events to support its assertions. However, there is currently little proof to support this interpretation of Beijing's actions; thus, it can only be considered an educated guess. An equally reasonable alternate theory holds that China frequently creates a new status quo in response to perceived attempts by others (such as Manila and Tokyo) to change the status quo. There is much speculation about how Xi Jinping and the new leadership will affect the dynamic mentioned above. Xi has probably significantly impacted how China handled the Scarborough Shoal and Senkaku/Diaoyu islands crises. He has reportedly been a significant senior member of two monitoring organizations since at least mid-2012. One was established to address maritime security challenges in general, and the other was established to address the Senkaku/Diaoyu islands conflict. Analysts claim that Xi personally authorized the step-by-step plan to increase pressure on Japan, rejecting the more reasonable strategy that others inside the Ministry of Foreign Affairs had suggested.

Others contend that the new leadership will pursue a much more forceful, militarily focused foreign policy under his leadership, particularly toward maritime and other sovereignty disputes. They cite Xi's prior experience with the People's Liberation Army (PLA), his famous wife (a well-known singer of patriotic songs), his endorsement of the 'Chinese dream' concept, and his high-profile visits to military facilities. This broad conclusion is now highly theoretical, another intriguing theory that needs more convincing data.

INTERNATIONAL CONVENTION AND THE DISPUTE

Nation-building processes have been affected by intrastate disputes from the very beginning. The present international system was shaped by wars between and within states, which established new laws and governments and strengthened pre-existing ones. However, disputes can threaten international peace and security, particularly when the international community fails to give them the necessary attention. The South China Sea and the East China

Sea are now the scenes of one such battle. The conflicts are primarily territorial, with some parties stating their claims as historical rights and others relying on claims based on international law and treaties. The parties have sought to resolve their issue with the aid of international organizations, such as the Permanent Court of Arbitration (PCA), and the application of the United Nations Convention on the Law of the Sea throughout time as tensions have risen (UNCLOS). However, efforts to lessen the strife in the area have had little to no results. Several hundred tiny islands, reefs, and atolls make up the SCS, virtually all uninhabited and unusable. Due to their importance to the coastal nations surrounding them, the island groupings known as the Spratly/Paracel and Senkaku/Diaoyu islands have been the main subject of the conflicts for decades. Since several of the islands are located inside the exclusive economic zones (EEZ) of Vietnam, Malaysia, the Philippines, and Japan, the natural resource component of the region is one of the main reasons for the disputes about the islands. Therefore, it is not unexpected that these coastal governments are advancing their territorial claims in the region, along with China, Brunei, and the Republic of China (ROC) in Taiwan. By exerting their rights to exclusive exploitation of the region via international law and other methods to ensure that they are protected and exploited, each wishes to defend its national interests.

International law presents a viable alternative to China's military strategy. The provisions of the Law of the Sea and other treaties provide a mechanism for resolving conflicts without resorting to hard power techniques. The analogous situation of Norway, the United Kingdom, Denmark, Germany, and the Netherlands dividing up the North Sea has implications for maritime disputes over islands in the South China Sea and the East China Sea. From 1959, when oil and gas were discovered, to 1965, these opposing claims were settled smoothly and peacefully (Lewis 2015). Despite competing interests, such as access to trade routes, shipping lanes, and fishing rights dating back over 400 years, international law is successfully implemented in the North Sea. There have been instances where sovereignty has been temporarily suspended to allow for shared resource development. Conflicts in the North Sea were resolved through numerous treaties reached by the contending nations (Barry *et al.* n.d.). According to Ashley Roach, UNCLOS defines a full-fledged island as one that can sustain life, is always above water, and is thus subject to sovereignty claims and maritime zone entitlements. According to UNCLOS, maritime zone rights include a territorial sea of 12 nautical miles (nm), an exclusive economic zone (EEZ) of 200 nautical miles (nm), and a continental shelf of 200 nautical miles (nm) (Roach 2015). All states have the right to navigate and communicate within an EEZ, but the right to extract, explore, manage, and exploit resources belongs to the state with sovereign rights. The median line principle, which states that every point should be equidistant from the baseline, should also be addressed because it was utilized as a first step in resolving North Sea conflicts. It was the approach used to split the North Sea in 1965 between the UK and Norway, in 1999 between Scotland and the rest of the UK for fisheries, and the 1960s for borders with other nations (Brocklehurst 2013). Oil and natural gas were extracted in the 1960s after the UK, Norway, Denmark, Germany, and the Netherlands agreed to national EEZ restrictions. The median line principle, agreed upon in March 1965, governs oil output. Oil firms were then granted production licenses that granted them exclusive rights to explore, drill, and produce (Government of Norway 2013).

According to Barry, Elema, and van der Molen, the Dutch formula for successful North Sea governance involves management and governance, having a philosophy, and defining limitations. The three governance components are regional and international treaties, agreements, and legislation; formal institutions to help smooth out national policies; and shared information systems to aid administration. When it comes to resolving maritime disputes, the median line technique is commonly used, with a few exceptions, “when political and equity issues are taken into account” (Barry *et al.* n.d.). It is encouraging to see treaties adapt to the changing international context, especially when baselines constantly evolve in concert with resource needs (Barry *et al.* n.d.). The United Kingdom and Norway signed the Frigg Unitization Agreement in 1976, which set a precedent for future cooperative accords. The treaty came up due to a common problem: partitioning a fluid hydrocarbon deposit that straddled an international border. The deal permitted a single operator acting on behalf of many parties to develop a field. It also kept key aspects from prior agreements, such as a common deposit clause and a commitment to observe the continental shelf demarcation as the final deciding factor in apportioning reserves (Wong 2008). Other cross-border unitization agreements, such as the Statfjord Agreement between the United Kingdom and Norway in 1979, followed suit in a similar spirit. The Ems-Dollard Treaty, signed at the Hague on April 8, 1960, formalized various cooperation agreements while leaving the border problem unsolved. Fishing was allowed in the common area, categorized as internal water or territorial sea (Molenaar 2002, 120). The pact was modified multiple times to satisfy changing interests, including measures addressing mining and environmental concerns. A management agreement for the estuary, covering waterway traffic and resources, was completed in 2013 after years of talks dating back to 1989.

The regulation of the common fisheries policy was last updated on 1 January 2014, after being introduced in 1970 and accepted by the European Union in 1983 (European Parliament 2022). Catch quotas are allocated to the member nations of Denmark, the Netherlands, Norway, and the United Kingdom to maintain sustainability and economic viability. Implementation began in 2003 with a monitoring scheme involving monitoring boarding fishing vessels.

The South China Sea maritime conflicts showed some signs of collaboration. The Declaration on the Behaviour of Parties in the South China Sea was signed in 2002 as a cooperative gesture to codify a non-binding code of conduct. Ministers from eleven ASEAN nations and the People's Republic of China signed it. A commitment “to freedom of navigation and oversight as given by generally recognized norms of international law, including UNCLOS” (Buszynski 2003) is one of the most significant issues. Second, peaceful ways should be used to resolve problems instead of turning to threats or using force. Last but not least, self-control is exercised in activities that might complicate or aggravate disagreements and jeopardize peace and stability, including dwelling features (Buszynski 2003).

In contrast to events in the North Sea, the Philippines submitted the Spratly case to the UN tribunal on 7 July 2015, citing violations of the UNCLOS treaty and the 2002 Declaration on the Conduct of Parties in the South China Sea.

The Philippine government's main claims against China are that China has no historic rights, that the nine-dash line is unfounded, that the maritime features China claim as islands are rocks, and that permanently changing their features through reclamation does not change their original nature and that China has irreversibly damaged the marine environment. If China “can

defy the limits imposed by the Convention on its maritime entitlements in the South China Sea, and disregard the rights of the Philippines under the Convention, then what value is there in the Convention for small States Parties concerning their bigger, more powerful, and better-armed neighbors?" (Rosario 2015). Albert F. Del Rosario, former Secretary of Foreign Affairs of the Philippines, at the end of his statement before the Permanent Court of Arbitration, further added that, at the "danger of China ejecting us, the Philippines is using every weapon in its limited armory" (Rosario 2015). Because it lacks the vision or resources to strengthen its position on the ground, the Philippines is raising the diplomatic stakes for China, forcing it to choose between honoring its treaty pledge as a 2006 UNCLOS signatory or publicly disobeying it. The Permanent Court of Arbitration decided in October 2015 that it had jurisdiction over the Philippines' complaint against China and that hearings would take place (Perlez 2015). China does everything it can to stymie the process by refusing to engage in the procedures and insisting on a bilateral solution instead (Calonzo 2015). China has yet to explain its claims for resource-rich areas or the whole South China Sea within the nine-dash line. It has opted out of mandatory arbitration, questioning the UNCLOS' jurisdiction to adjudicate sovereignty-related conflicts (Heydarian 2015).

China claims all land inside the ill-defined 'nine-dash line', which runs from Taiwan to Malaysia. This boundary is allegedly based on outdated maps. The Hague International Court of Justice decided that such a claim lacked legal support in 2016. Other nations have continued to protest about Chinese warships in their seas while China disputed the ruling. However, the 2016 judgment is legally binding, and China must be compelled to uphold it. India stated at a recent East Asia Summit (EAS) meeting that the Code of Conduct for SCS, currently being negotiated between China and ASEAN, should not prejudice the legitimate interests of third parties and should be consistent with the United Nations Convention on the Law of the Sea.

CONCLUSION

The most controversial issue in the maritime disputes over the East and South China Seas is sovereignty or rival claims to ownership of the islands. Much can be accomplished if claimants are willing to set aside their respective ownership claims to foster joint development in the interim, preferably one that takes into account the lessons learned from the North Sea experience, without alienating smaller powers in the region or leaving China wanting.

Across the 1970s, confidence-building methods were used in Europe to create a channel for dispute resolution. In the North Sea, for example, an agreement was established before the start of resource exploitation to preclude competing drilling. The treaties that regulate the North Seas are founded on international law principles that promote restraint and collaboration, as stated "in Article 83(3) of the Law of the Sea convention, which specifies that governments concerned should make every effort not to compromise the final accord" (United Nations Convention on the Law of the Sea 1982). According to Bonnie Glaser, confidence-building tactics are an effective strategy for resolving political impasses. Formal, informal, unilateral, bilateral, multilateral, military, cultural, social, and non-profit formats may be used; transparency is essential to create confidence and end hostilities (Glaser 2015). In the Spratly, Paracel, and Senkaku/Diaoyu disputes, on the other hand, little is being done to foster confidence-building

measures or to exercise restraint; instead, the opposite is happening. In the South China Sea issue, creeping expansionism is comparable to what Nye defined as British and Soviet defensive expansionism in the nineteenth century (Nye Jr. 2008, 132). The Permanent Court of Arbitration decided on 29 October 2015 to consider the Philippines' complaint against China in the South China Sea over the features that China currently controls (Kraska 2015). China boycotted the hearings, and its Foreign Ministry has stated that it will not accept any court decision. Despite ratifying UNCLOS in 1996, the PRC issued a declaration 10 years later in 2006 stating that it would not accept procedures involving binding rulings. China ironically cited UNCLOS regulations in its conflict with Japan over the Senkaku/Diaoyu islands in 2009 (Wagner and Tupaz 2015). China is threatening to withdraw from the treaty in response to international criticism of its aggressive pursuit of maritime claims, claiming, among other things, that the US is not a signatory; world powers use international law for self-interest, and the benefits of withdrawing from the treaty outweigh the costs (Valencia 2013). China is breaking international law at every turn as it pushes through with its land reclamation work in the Spratlys, which comes on top of the latest concern that China would announce an expanded ADIZ across the Spratly and Paracel islands.

Any type of cooperation or appeasement will not be well welcomed by domestic constituencies when nationalistic sentiments ring loud, historic passions are constantly regurgitated, and the status quo is forcibly upset. Because the states studied in Gause's study in the Middle East confronted several foreign and domestic threats, alliance options must be adequately organized, according to Gause. In 2003, he cited Jordan and Saudi Arabia as countries that balanced maintaining connections with the US while actively opposing the unpopular Iraq War at home (Gause III 2003). China's competitors and neighbors in the East and South China Sea conflicts exhibit similar balancing conduct. Japan and the Philippines have pushed for more robust economic and military ties with the US. Gause also discovered that risks to internal regime security posed by pan-Arabism and Islam were more important to most regimes than just strengthening military capability (Gause III 2003). Fravel's examination of China's territorial compromises, in which it relinquished most of its territory in border areas where the government's management was shaky, provides similar support for Gause's claim. In addition, China, Japan, and the Philippines use soft and hard power tools. China has delayed its relations with countries involved in territorial disputes in the East and South China Seas for several decades. This strategy has shifted due to Chinese domestic politics and changing economic requirements, a shifting balance of power among the region's important nations, and a movement in the international system due to the perceived decline of US dominance in the Asia Pacific. As a result of China's increased use of hard power, countries in the region are experimenting with various ways to safeguard the security of their interests.

China's actions may be a reaction to changes in the alliance system at the system level; its supremacy may be a case of too much, too fast. China's increased use of military force in its maritime conflicts in the East and South China Seas has prompted the US, Japan, and some of China's neighbors to engage in threat-balancing actions. The Philippines and Vietnam are also employing the soft and hard power tools at their disposal, such as growing militarization, courting foreign partners such as the United States through mutual defense treaties, and requesting UNCLOS, which will elevate the conflicts to a multilateral level.

A good explanation for China's behavior in its territorial disputes in the East and South China Seas is neorealism¹. On 27 October 2015, a US-guided missile destroyer traveled 12 nautical miles off Subic Reef, the Philippines' closest neighbor, in Chinese-controlled territory (Tisdall 2015). Despite China's condemnation, Australia, Japan, the Philippines, and others have supported the move (LaGrone 2015). The US and Japan are strengthening their military ties by giving the Japanese Self Defence Forces greater global mobility (Pei 2015). States are responsible for their security in the absence of a higher government. Given China's expanding influence in the region, how the resolution is reached may establish a precedent for other territorial claims. China can act as a stabilizing or destabilizing force in the Asia Pacific as a regional power. Sovereignty will not be put on hold in the interim for shared development.

¹ Neorealism, also known as structural realism, is a theory of international relations that places an emphasis on the role of power politics in these relationships, sees conflict and competition as enduring characteristics, and sees little room for cooperation.

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MIGRATION AND RELIGIOUS SOCIALIZATION IN NIGERIA: THE FULANIZATION DILEMMA

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Abstract: Migration has remarkably influenced the development of civilization and the establishment of cultural borders throughout history. In the case of Nigeria, one of the negative impacts of migration has been the violent seizure of ancestral lands by the Fulani as part of a strategy to 'fulanize' and 'Islamize' the Nigerian nation. This study investigates the links between human migration and religious socialization in Africa, particularly Nigeria. The paper employs the descriptive and phenomenological approaches and bases its arguments on the theoretical foundations of Durkheimian and Weberian theories. The paper argues that regional mobility, with its religious socializing effects, affects national politics, government, the economy, and other national domains. It concludes that African countries should include international migration in their plans and national development goals to make their countries safer.

Keywords: Boko Migration; Religious Socialization; Africa; Fulanization; Islamization; Nigeria

INTRODUCTION

Migration of people and the effects of religious socialization are two things that affect the political, economic, and social aspects of nations, including African countries. Both hostile and peaceful, religious mixing and contact will undoubtedly become more intense across the globe as populations rise and migration patterns balloon to unprecedented heights. Since secular logic and abstract reasoning are in contrast to the tidal flows of faith and emotion that guide human activity today, it seems likely that the history of humanity will be centered on the conflict of faiths and civilizations that is occurring around human beings.

The Nigerian State is dealing with the 'fulanization' and 'Islamization' problems that are consequences of regional human migration and religious socialization in Africa. Nigeria is the most populous nation in Africa, grappling with overlapping and multifaceted security issues. According to Ottuh and Aitufe (2014), kidnapping for ransom, cattle rustling, and other terroristic acts of violence, commonly referred to as banditry, are on the rise in northwest Nigeria and gradually creeping to the southeast. It is essential to look at the occurrences from a broader angle since they may have beneficial or harmful effects. This paper tries to show how

religion and social mobility can hinder national peace and development or help national development and play a positive role in Nigerian society. The paper does this by putting Max Weber's idea of the Protestant ethic and spirit of capitalism in conversation with Emile Durkheim's functionalism. To better understand how religion and social mobility may either impede or promote national development, this article aims to provide additional information on these topics further.

MIGRATION IN CONTEXT

According to Microsoft Encarta (2008), humans have moved from place to place since their origin 2 to 6 million years ago. Migrations may be specifically sparked by societal or environmental factors (Beckford 2019). It may also be linked to the creation of Diasporas, requests for asylum, internal displacement, and refugees. Nomadism, transhumance, or pilgrimages are not included in this context. International migrants are people who live outside of their place of origin, and their number globally increased from 258 million in 2017 to approximately 272 million in 2019 (UN International Organization for Migration 2020). The 2030 Agenda for Sustainable Development acknowledges migration's contribution to sustainable development for the first time. Targets and indicators related to migration or mobility are included in 11 of the 17 Sustainable Development Goals (SDGs) (UN Sustainable Development Goals 2020). Target 10.7 of the SDGs makes orderly, safe, regular, and responsible movement of people the primary focus of the goal.

International migrants are people who live outside of their place of origin, and their number globally increased from 258 million in 2017 to approximately 272 million in 2019 (Global Migration Data Portal 2020, 11). There were reportedly 38 million migrant children, and three out of every four foreign migrants were of working age or between the ages of 20 and 64. According to the Global Migration Data Portal (2020), Asian migrants made up around 31% of the total, followed by European migrants at 30%, Americans at 26%, African migrants at 10%, and Oceanians at 3% (p. 22). Africa has traditionally been considered a highly migratory continent, and this perception has not changed. According to the IOM 2005 Report (2005), Africa is the continent with the world's most migratory population. Of the 56 nations that make up the African continent, just one census from the 1950s or no statistics is available for 19 of them.

Uberti, De Lombaerde, Nita, and Legovini (2015) found an apparent negative relationship between the amount of intra-regional migration in Africa and the availability of statistical data. Nigeria has the biggest population in Africa and ranks seventh in the world with over 206 million inhabitants (Sasu 2022, 8). Nigeria's immigration policy has changed from one of restriction to one of facilitation. Nigeria had 1.3 million migrant workers or 0.6 percent of the country's total population, in 2020. The most common countries of origin for asylum applicants and immigrants in Nigeria are Cameroon and the Niger Republic (Ottuh 2020, 35). Nigeria is one of the few African countries where people talk openly about refugees and other immigrants. Migration mainly refers to the departure of Nigerian people and chances to more effectively use the vast diasporas of Nigeria.

CONCEPTUALIZING RELIGIOUS SOCIALIZATION

The term 'religious socialization' is still often used by academics that focus on the social trends that underlie the development of religious views (Klingenberg and Sjo 2019). Recent research broadly acknowledges the influence of social actors and the environment on religious socialization. Barry and Abo-Zena (2014, 221) define the meaning-making of emerging adults as the mutual informing of developmental domains like peers, the family, and religious communities. Petts and Desmond's (2016) review, for instance, includes studies on the role of family, peers, education, congregations, media, and religious traditions in the socialization process. According to Ottuh and Jemegbe (2020), social agents may affect people's religious understandings and beliefs via the dynamic process of religious socialization. Throughout their lives, people encounter a range of socialization agents. These groups, people, and events help shape people's religious preferences, influencing their loyalty to particular religious institutions.

People have much freedom to resist socialization pressure and to decide which relationships influence their religious choices. People's relationships with others and organizations are influenced by their parents' early religious choices and experiences. Agents of socialization only impact people when they come from a reliable source they respect (Sherkat 2012). Peer relationships, particularly spousal choice, which encourages religious ideas and bonds, are also influenced by parents and denominations. Recent years have seen many critiques of religious socialization. The first criticism is aimed at conceptualizations that see socialization as a simple process in which people are formed along a set of clearly defined and observable pathways. It is difficult to explain how social change occurs with a simple conception of socialization as a process of stability and continuity over generations.

Conceptualizations of religious socialization that see it as a process in which religion is learned and passed down from one generation to the next have a limited ability to account for religious change (Furseth 2018). Some socialization theories have also evolved to conceptualize socialization as a process that needs the active and reciprocal engagement of both the ones being socialized and the ones conducting the socializing, in part as a reaction to such criticism (Mol et al. 2013). Several studies support this. For instance, Golo, Broo, Sztajer, Benyah, Ray, and Sarkar (2019) looked at primary religious socialization in Ghana, India, and Poland. They showed how crucial religious socialization is in these settings. In this regard, it is also important to know that religious socialization is a social phenomenon with different aspects depending on the social and cultural setting.

THEORETICAL CONSIDERATION

Durkheim (1965) believes that the true core of religion is something essentially social rather than thinking about the transcendental source or sources. According to Durkheim (1965, 68), religious images are communal representations that embody collective realities. By doing so, according to Capps (cited in Gbadegesin and Adeyemi-Adejolu 2016, 28), Durkheim drew attention to the idea that social groupings create their distinct patterns of consciously and explicitly 'we-feeling'. For Idjakpo and Ottuh (2021), it is crucial to see that religion has a social

value in making people and groups more moral and spiritual. Durkheim's sociological analysis of religion in terms of function demonstrates its unifying qualities and societal benefits.

Weber's (2003) sociology of religion starts with an inquiry into the theological foundations of contemporary capitalist civilization. In his book, he makes the case that the Christian ethos of inner-worldly asceticism became a driving factor, aiding in creating a bourgeois, contemporary Western kind of capitalism. Given the spike in immigration from predominantly non-Christian nations, the study of religion's influence has regained significance. This ethos is defined by self-control, systematic life behavior geared toward employment in a vocation, and acquisition via a regularly and logically pursued business. According to Weber, the calling is not a circumstance into which a person is born but a challenging and demanding endeavor that must be chosen by an individual and pursued with a feeling of religious duty.

Existing data indicate that immigrants do better when they identify as followers of Western faiths like Christianity (Kogan, Fong, and Reitz 2020, 3549). Islam is only one example of a non-Western religion that might be problematic for acculturation. According to Petts and Scott (2016, 253), immigrant children are likely to rely less on their parents' ethnicity and more on other forms of identity. This analysis correlates with the theory of social identities, which also helps to place this discourse in proper perspective. Competitiveness, cooperation, and even harmony between two or more groups decrease when they have a shared goal that can only be achieved via intergroup interactions (Hogg 2016, 16). According to the social identity theory, the word 'identity' is a widely used word that may mean many different things to different individuals.

As with the Fulani in Nigeria, in-group members may intentionally or unconsciously establish an identity for the out-groups. The Fulani tribe developed a new identity as aggressive people (Ahmadu, Yacoob, and Shukri 2022, 6). The ingrained terror greatly facilitated the crime that other in-groups in Nigeria held. Ethnic, regional, and social identities are developed at the sub-national level to refute specific, prevalent ideas about managing intercultural interactions between nations. Simply put, identity affects how people interact with one another, with organizations, and with political opportunities. For instance, Hogg and Reid (2006, 28) demonstrate that their representation follows a category's context-dependent prototype when people are classified. As a consequence, such phrases are capable of going beyond the boundaries they were designed to influence. Religion helps people develop a feeling of social identity and belonging, which gives them emotional and social support.

MIGRATION AND RELIGIOUS SOCIALIZATION

Migration changes everyday patterns, and even the most fervently held religious traditions are eventually affected by new migration experiences (Jones 2022). On the other hand, religion often encourages migration since it provides a new channel for profane experiences. The defining of civilization and cultural boundaries in historical eras is greatly influenced by peaceful or violent migration. For example, a constant supply of warriors who came to India to fight infidelity and perhaps find fame and riches helped promote the Muslim conquest of the country (Eickelman, Dale, and Piscatori 1990, 241). Within each civilization, pilgrimage confirmed and aided in blending religious and secular cultures. While sometimes bringing new people into

the fold of one or more religions, religious conflict and peaceful conversion promoted variability. Since itinerant holy men who lived on alms seldom chronicled their experience in writing, private, personal migration for religious reasons is difficult to trace.

The first documented instances of private, individual migration away from everyday civilization in search of religious enlightenment and truth were the woodland retreats of ancient India when the Upanishads were created (Jones 2022). Monastic institutions needed to stay connected to the currents of holiness-seeking migration that flowed through each of the Eurasian civilizations to survive and grow. Christian monasteries were instrumental in bringing Christianity beyond the boundaries of the Roman Empire. Following European exploration expeditions in the sixteenth century, missionary organizations successfully converted Amerindians to Roman Catholicism (Geaves 2003, 66). The spread of sophisticated sophistication resulted from migration for reasons other than religion.

The majority of historical migration may be modeled after the conquest of Canaan by the Israelites and the transatlantic slave trade. The Bible demonstrates how hard it was for the Israelites to maintain their desert faith in Canaan after settling down to a life of agriculture. It needed extra effort to oppose the faiths of their people, which was challenging given the long-established local customs. Others adopted the strategy of practicing all accessible faiths to avoid closing doors to the paranormal. For example, many 'barbaric' conquerors chose to follow a heretical kind of religion in an effort to get the best of both worlds (Eickelman, Dale, and Piscatori 1990, 240). Migration has changed dramatically in scope and form throughout the centuries, yet it has remained a phenomenon that is closely related to religions. Religious factors and motivations may sometimes be found in migration. It affects how immigrants and their descendants practice their religions in many more circumstances and the cultures in which they dwell (Beckford 2019). Migrations made for political or economic reasons have less of an influence on traditional religious practices than migrations made by people who abandon more cultivated modes of religion. According to the Pew Research Centre (2015), global migration trends are causing a transfer of world religions among different parts of the world.

IMMIGRATION'S EFFECTS ON RELIGIOUS SOCIALIZATION

Conditions at the destination, such as the percentage of fellow believers, the percentage of foreign-born residents, and the variety of local religious practices, are likely to impact religious engagement (Kogan, Fong, and Reitz 2020, 3547). Religion may impact whether or not immigrants adopt a particular religion and engage in religious activities in their new country. Although there have been numerous quantitative studies of religious engagement, most of the data used to support the theologizing hypothesis has come from qualitative research on specific religious communities. Many recent immigrants have crossed a wide religious chasm to integrate into Nigerian culture. The social distance that must be crossed is influenced by devotional fervor and nominal disparities in religious membership.

Religion's teachings may prevent crime and deviance by influencing cultural values and attitudes (Kogan, Fong, and Reitz 2020, 3546). Through its role as an identity marker, religious content and personal traits associated with religious affiliation, resources obtained through religious participation, and overt discrimination against some religious minorities, religion may

impact socioeconomic and other integration outcomes. First, religion could stop being a worldview or organizing principle that influences young people's everyday lives and starts acting as a symbol of group identification. Depending on how much stress their faiths put on social attitudes, such as gender norms, sexual orientation, alcohol use, or the eating of specific foods, the social integration of various minorities may be aided or hindered. Religious institutions provide community services so that newcomers may come together and socialize with others of the same religion and often of the same ethnicity.

Religious headgear indicates personal religiosity to the outside world, such as the 'kippah' in Judaism or the 'dastar' in Sikhism. Employers may penalize applicants who declare their religion as Islam on a job application. Some religious groups may be viewed with suspicion, which are instances of prejudice based on personal preference or statistics. Rethinking the radicalization of religion has become more critical due to the intricacy of mechanisms relating to religious minorities' social marginalization (Ottuh and Erhabor 2022, 245). The idea of self is connected to a larger social group via social identity theory (SIT), which also makes a critical distinction between belonging to an in-group and an out-group.

NIGERIA'S 'FULANIZATION' - 'ISLAMIZATION' DILEMMA

The term 'fulanization', which means 'Fulani control', refers to the rapacious, exploitative, and oppressive use of the machinery of government and diplomacy (policies of cattle ranches) to seize territories, typically occupied by other ethnic groups to advance domination and opportunities for cow rearing. As a result, the government forces forced the region's original population into servitude and subjection. Fulanization goes along with Islamization. Specific arguments state that what is occurring in some regions of Nigeria now is the complete and ultimate takeover of all areas in accordance with Uthman Dan Fodio's long-standing ambitions as the father of Islam in Nigeria (Ottuh and Erhabor 2022). Most Nigerians firmly feel that Mohammedu Buhari, the country's current president, has goals different than those of Nigerian nationalism. Through the deliberate eviction of indigenous groups that have lived in what is now Nigeria for a long time, there is a plan to open Nigeria's northern borders, covertly admit the nomadic Fulani of West Africa, and permanently establish them in a new Nigerian homeland (Nwakanma 2019). Some have argued that the relocation of the Fulani could be partially attributed to global warming, which has made their pastoral way of life unsustainable. Under the pretense of herding, the Fulani have been spreading mayhem, destroying livelihoods, kidnapping, killing, raping women, and pillaging across the nation.

The problem of 'fulanization' and 'Islamization' results from the influx of immigrants into Nigeria, which are Fulani from other African countries. Ahmadu, Yacoob, and Shukri (2022) claim that studies from all over the world, including those of the United Nations and the European Union, have paid intense attention to Fulani culture and all made various contributions to people's knowledge of Fulani and their cultural traditions. According to Osadebamwen (2017), their socioeconomic activities are concentrated in and around the wooded reserves and rural grazing areas. Their main economic pursuits have been partially or entirely abandoned due to security and climate change challenges as they have moved farther south (Nartey and Ladegaard 2021). Due to the widespread instability in northwest Nigeria, Fulani engages in

various criminal activities, including armed robbery, banditry, abduction for ransom, hostage-taking, and insurgency (Ojo 2020; Nnabugwu 2018). This has been used to make them seem like criminals with nothing to do but break the law.

The Fulani are often denigrated with homicidal verbal venom, yet they are also accused of possessing all kinds of cunning and supernormal political power. Concerns about Fulani dominance have been around since Nigeria was founded, but now the south of Nigeria is more worried about these people than ever before. Some schools of thought contend that the Fulanis are free to dwell anywhere they like in Nigeria, just like other Nigerians (if they are) (Nwakanma 2019). The forceful plunder of ancestral lands by the Fulani via a project whose goal has been termed the 'fulanization' and 'Islamization' of Nigeria is what Nigerians do not understand. Some have alleged that President Muhammadu Buhari purposefully appointed Fulani and other northerners for political and economic positions in his administration. Others have asserted that most of those selected are just northern Muslims who are neither Fulani in ethnicity nor culture (Kperogi 2021). Hammed Ali, the head of immigration, is neither a Fulani nor a Hausa. He is a member of the Dass, Bauchi State, and Jarawa ethnic groups.

CONCLUSION

So far, the paper has shown that the creation of civilizations and cultural boundaries throughout history has been significantly influenced by peaceful or violent migration. Notably, it shows that security issues are complicated and overlap in Nigeria due to Fulani migrants. Terrorist acts, such as cattle rustling and abductions for ransom, are increasing in northwest Nigeria and gradually creeping to the southeast. The paper further shows that migrations done for politics or commerce have less of an influence on traditional religious activities than those made by people who abandon more established forms of religion. It is argued that Nigerians cannot fathom the Fulani's violent annexation of ancestral lands as part of a plan that aims to 'fulanize' and 'Islamize' the country. Thus, regional mobility, with its religious socializing effects, affects national politics, government, the economy, and other national domains. As per the Nigerian constitution, Fulanis are entitled to the same citizenship rights as other Nigerians (if they are actual citizens).

Durkheim and Weber's analysis of religion in terms of function and conflicts demonstrate the inherent unifying and destructive qualities of religion in society, thus showing that immigrants do better when they identify as followers of Western faiths like Christianity and do less well when they do not. For example, Islam is one of the non-Western religions in Africa that is not acculturation friendly. This is because immigrant Fulanis are likely to rely on their religion to advance their political and religious dominance everywhere they go. African nations should incorporate international migration in their plans and objectives for national development to address the issue and make their countries safer. Because of the boom in immigration from predominantly non-Christian nations, the significance of studying religious socialization and migration effects is a *sine qua non*. At the same time, given the spike in immigration from mostly non-Christian African nations, the study of religion's influence needs further research to regain its significance.

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THE ROLE OF EUROPEAN UNION POLICIES TO COUNTER ILLEGAL IMMIGRATION IN NORTH AFRICA

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Abstract: *The issue of illegal immigration from North Africa to Europe is one of the most prominent phenomena that have preoccupied analysts, researchers, and decision-makers, considering that it affects the security of countries and societies alike in North Africa, especially after the wave of protests in 2011. The proposed study focuses on two main questions: What are the repercussions of illegal immigration on the European Union? What are the most important European Union policies to address illegal immigration from North Africa? The methodology of the study employs the qualitative method since it helps provide a substantial and rich description of this complex phenomenon, tracking unique or unexpected events by analyzing the following policies: the Barcelona Process, the Schengen Agreement, the Euro-Mediterranean Partnership, the 5+5 Dialogue, the European Neighbourhood Policy, and the Union for the Mediterranean. This article presents an analytical study of European policies to confront illegal immigration from North African countries. Finally, it is concluded the need to adopt a preventive strategy to confront illegal immigration in the Mediterranean region by addressing its causes, especially in the southern Mediterranean countries, which are considered source countries, for improving economic and social conditions.*

Keywords: *Illegal Immigration; European Union; North Africa*

INTRODUCTION

Illegal immigration is one of the research fields concerned with many different academic and knowledge fields. When scenes of illegal immigration are crowded in our daily lives, concerns and threats to the security of individuals and groups are increasing in different societies. Given the relationship of the phenomenon under study to many hazards which are with global characters, such as drugs, terrorism, extremism, and human trafficking, especially in light of the expansion and flow of these threats, and the nature of the contemporary international reality, which is characterized by the decay of entities and the birth of new social and political systems, this prompted many researchers to consider illegal immigration as one of the actual results that the international community has witnessed in the context of the current regional and international conflicts. The advent of the last decade of the twentieth century and the emergence of many transformations which are known to the international community exacerbates the problem of illegal immigration from the southern Mediterranean to the

countries of the European Union (EU), thus turning the migration issues from being economical in the past to security and political issues nowadays as it should not overlook several conditions experienced by the vulnerable and marginalized groups in the countries of the southern Mediterranean, and its connection to the phenomenon of illegal immigration, such as poverty, deprivation, the nature of political systems, the spread of epidemics, corruption, and economic weakness which suffered by these countries. All of these factors have effectively contributed to making the phenomenon one of the essential cosmopolitan issues that receive attention in international studies; it thus grabbed the attention of the media, and several civil society organizations, government, and regional institutions, especially after it became the receiving countries are concerned for these illegal immigrants.

So, the research questions are: What are the repercussions of illegal immigration on the European Union?; What are the most important European Union policies to address illegal immigration from North Africa, such as Libya, Tunis, Algeria, Morocco, and Mauritania?; How effective are existing European Union border control policies?; How could they be improved?

The methodology of the study employs the qualitative method since it helps provide a substantial and rich description of this complex phenomenon, tracking unique or unexpected events by analyzing the following policies, the Schengen Agreement, the Barcelona Process, the Euro-Mediterranean Partnership, the 5+5 Dialogue, the European Neighborhood Policy, and the Union for the Mediterranean. In addition, it presents an analytical study of European policies to confront illegal immigration from North African countries.

The study has a variety of goals. It aims to figure out the motives behind illegal immigration, which may vary between political, economic, social, geographical, and demographic reasons and the repercussions of the phenomenon on European security. It also seeks to analyze several European Union policy responses that confronted the phenomenon of illegal immigration from North African countries to countries such as France and Spain. The study's central hypothesis is that the increasing flow of immigrants from North Africa negatively impacts the social life of European countries.

LITERATURE REVIEW

In general, Givens and Luedtke (2004) have focused on the goal of the European Union's immigration policy. Most observers have considered them a necessary component of its efforts to achieve a free labor movement. However, attempts to create a joint policy have faced political obstacles. This study explores the various barriers that prevent the establishment of a comprehensive immigration policy. It also develops a theoretical framework for coordinating immigration policies at the EU level. The study noted that the impact of political partisanship and immigrant rights on establishing a comprehensive immigration policy could vary depending on the country and issue. Also, Geddes and Niemann (2015) review the various policy issues surrounding migration and immigration in Europe. It aims to provide a comprehensive analysis of the current state of affairs in the region and how it affects the relationship between states. It also explores how Europe can legitimately speak of the everyday politics of migration. It also explores the various types of migration and their varying effects on the region. It provides a comprehensive analysis of the role of the European Union and individual states in addressing

this issue, as well as reviews the policies and politics of immigration in Europe, including the United Kingdom, Germany, and France. It also looks into the policies and politics of the new southern European countries and East and Central Europe. Nikolić and Pevcin (2022) have focused on the effects of asymmetric integration on the sustainability of the European Union's free movement agreement on open borders. It identified a structural limitation that prevents the agreement from functioning correctly. To address this issue, the authors proposed the establishment of a Common European Asylum System (CEAS). This would allow the EU to manage the influx of refugees and ensure that the agreement's provisions are correctly implemented. Also, Abbott (2018) states that the Syrian war has caused a massive burden on various countries, such as Jordan. It has also disrupted the efforts of the European Union to establish a common strategy in the area. Despite the various difficulties the region has experienced, the European Union remains committed to its role in the Middle East and North Africa (MENA). As a responsible member of the international community, the EU is also responsible for its security. However, its members have a long history with multiple regional countries. Despite the various difficulties that the region has experienced, the European Union remains committed to its role in the Middle East and North Africa (MENA). It is in the members' best interests to have a secure and stable region.

In particular, many studies, such as those of Davis and Gift (2014), and Felbermayr, Gröschl, and Steinwachs (2018); the two studies analyzed the effects of (the Schengen Agreement) on the European Union's free movement of people on the economy. They found that the agreement positively impacts trade by increasing the demand for foreign goods and reducing the risks associated with the business in other countries. They also noted that the agreement has led to more robust trade between peripheral countries. Also, Woertz and Lecha (2022) have focused on the rise of populism in Europe has led to political contestation in the Mediterranean region. This study focuses on the states that have turned to the sidelines to block the activities of other players. The study also finds that the heavy ideologies that populists are borrowing from are contributing to their influence, and the rise of right-wing populism over that of left-wing populism has a significant impact on the quality and quantity of political discourse. Market-liberal populism is also on the decline in Spain; the populists have a unique ability to shape political agendas and make decisions directly. They also influence the political discourse on issues such as migration.

Milcher, Slay and Collins (2007) discussed various aspects of the emergence of the European Neighborhood Policy in the western Commonwealth of Independent States (CIS). They also looked into its potential economic impact. They aimed to identify the key questions that need to be resolved to induce the governments of the participating countries to adopt comprehensive reforms. Petrakos, Tsiapa and Kallioras (2016) aimed to analyze the spatial dynamics of the European Neighborhood Policy countries. It explores the various transformations in their internal and external environments. Hatab (2018) explored whether the need for stability should be pre-emptive in addressing the security requirements of the Southern Mediterranean. It also discussed the conflicting roles that the EU should play in promoting democratic norms and securing geostrategic interests. The study aimed to comprehensively analyze the multiple security requirements the EU should address to maintain its relevance in the region.

According to all addressing literature reviews, various studies have been conducted on European policies. Some of these focus on the European Union's policies, while others deal with economic issues. Some studies deal with the issue of borders. Some of these studies also deal with the refugee problem and security aspects.

MOTIVES FOR ILLEGAL IMMIGRATION IN NORTH AFRICA

Economic research concentrating on justification and cost-benefit analysis is sometimes used to pinpoint the origin of illegal immigration. Undoubtedly, the desire to improve one's economic position is frequently a factor in migration.

Economic motives have a significant reason for driving illegal immigration. The standard of living is measured by the degree of society's care for the members involved in its formation. The search for livelihood to provide a secure and affluent life is one of the first and most essential motives; it leads immigrants to leave their countries and migrate to the country where they find work opportunities to earn a living, in addition to the significant disparity in the economic level between the countries exporting illegal immigrants, which often witnesses a lack of development processes, lack of job opportunities, and low wages and standards of living, in contrast to the need for a workforce in the receiving countries. A study on Arab countries in 2013 showed that countries such as Egypt, Libya, Tunisia, Morocco, and Algeria have 11 million people living on less than a dollar/day, which the United Nations described as extreme poverty (Youssef 2011). It is noticeable that what increases immigration activity and makes the possibility of paying immigrants low wages continually is the lack of most North African countries, in general, production centers capable of keeping pace with population growth. Thus, the unequal exchange between the two sides continues; this is what the French scientist Sauvy Alfred (1948, 18) expressed; either the wealth departs where the people are, or the people depart where the wealth is.

Also, a social motive is represented in the lack of peace and social security. This is due to the prevalence of the class phenomenon at the tribal level, sectarian or ethnic, and the majority's preference over the minority or *vice versa*. Robert Merton points out that class status plays a vital role in the migration movement, so the social motives are linked to economics in a direct correlation, low living standards have adverse social, psychological, and security effects on the society in which they develop despite being an economic factor, on the other hand, one of the severe consequences of the demographic explosion is the emergence of the problem of unemployment, which is now affecting individuals of all scientific and professional levels. Even those with higher degrees tend to seek them from abroad and fail to solve social problems such as poverty, unemployment, and domestic violence, especially against children (Chimienti 2013). As well, the political motive where the end of the twentieth century was marked by the growth of the movement of refugees, individually or collectively, as a result of wars and internal conflicts resulting from ethnic or ideological conflicts, the dangers to which civilians were exposed during the war in many regions of the world, and human rights violations, because of their ethnic, religious or political affiliations.

Due to their political acts, illegal immigrants are often forced to migrate; this is known as 'forced migration'. The southern Mediterranean region is considered one of the essential

refugee-exporting and receiving parts due to wars and internal instability, where the African continent knows conflicts of an economic nature, such as the Great Lakes conflicts, or of an ethnic character that begins within a country and then turns into disputes between states, as is the case with Lake Congo. The inevitable result of these conflicts is that tens of thousands of displaced persons, refugees, or illegal immigrants begin to move to North African countries and Europe (Cummings *et al.* 2015). The demographic motives cannot be ignored (Klabunde *et al.* 2017). The geographical proximity of the African and Asian continents to the European continent is one of the motives for illegal immigration. Europe is only 14 km from the African continent to the west (Lorca-Susino 2006). The harshness of the African climate, such as drought and the spread of incurable diseases and epidemics, is one of the causes of migration. Also, agricultural land is destroyed annually due to desertification and torrents and the invasion of locust swarms in many African countries such as Sudan, Chad, and Morocco. Population growth rates of economic growth made the southern bank of the Mediterranean look to foreign labor markets, which do not require specialized training such as the agricultural sector, cleaning work, or working in restaurants or the construction sector (Joffé 1997).

THE IMPACT OF ILLEGAL IMMIGRATION ON EUROPEAN COUNTRIES

Security

The security dimension is considered one of the most significant impacts, which is a priority for European national security; according to the impact of the phenomenon of 'illegal immigration on this aspect, it was considered a direct security threat that must be confronted. Hence, illegal immigrants are considered a threat to the European national identity due to the transformation of illegal immigration from areas as an economic phenomenon to a security issue through social and political discourse. The phenomenon of illegal immigration has become a security issue of significant priority for European governments in light of the increasing flow of immigrants, who have come to see them as a blatant threat to European societal security through the use of a hostile discourse linking immigrants to problems of unemployment, the organized crime of all kinds, drug trafficking and terrorist threats Which prompted European countries to strengthen their efforts aimed at securitizing the phenomenon from the danger of compromising European social harmony, eroding national identity, and political and security instability (Anastassia 2016).

Immigration has also become a challenge threatening Europeans' job security. All these concerns have made immigration at the top of the agenda of many European voters seeking to control public order and internal security. Such fears have been adopted and reinforced by the media, which brings governments to the heart of the issue and makes it possible to take action.

Illegal immigration also leads to a threat to European national security through the possibility of the existence of intelligence agents and subversive elements among illegal immigrants, which leads to the emergence of terrorist cells that create conflicts and security problems in the countries receiving immigrants, as well as helping to smuggle weapons, explosives, and ammunition to European countries to destabilize its security. Also, it poses a clear threat to the security of the destination country, through the increased crime rate among

illegal immigrants, through their involvement in criminal behavior that contradicts the values of the destination countries, by engaging in gangs formed by drug-trafficking activists as the crime rate of young immigrants increases positively with their increase in the receiving societies, where these crimes are generally limited to robbery, looting, theft, sabotage of public and private property, attacks on and threats to people, as well as intentional murder (Givens 2010).

Economics

Despite the economic importance of immigration to Europe, the continent's need for labor contributes significantly to ensuring balance, especially in the European countries suffering from low demographic growth rates (Orrenius and Zavodny 2016). In the short term, illegal immigration adds pressure on the economy of some European countries, as it is a burden on public finances in terms of the expenses of receiving and deporting immigrants. On the other hand, they represent opportunities for European users and the European economy. However, they are considered the most crucial source of cheap labor; the phenomenon is a fundamental problem and imbalance in the European labor market, as it is a strong competitor to the local labor force. This results from the spread of unnecessary random labor characterized by low productivity and the emergence of a parallel market for infiltrated delivery that accepts lower wages, which often leads to widespread unemployment in European countries because of the professions and jobs taken by immigrants rejected by their original inhabitants (Baldwin-Edwards 2002).

Social Impacts

Illegal immigration affects the social and health aspects of European countries through the large numbers of illegal immigrants, which will lead to the emergence of random and chaotic neighborhoods, spreading various unethical practices, which may even affect the components and values of the society of the receiving state, in addition to the transmission of diseases carried by illegal immigrants such as AIDS, cholera and other incurable diseases (Bade, Legal and illegal immigration into Europe: experiences and challenges 2004).

Statistics indicate that the number of illegal immigrants to the EU in 2015 reached about 1.8 million immigrants (O'Leary 2016), which led to a state of deep divergence among the political trends within the European countries, so there are among those who support it, in particular, the parties that embrace the principles of humanity, and the values of freedom, equality and the right to change, and a decent living, and fulfilling the obligations with international charters which was imposed by the human rights, child and refugee agreements. For example, the informal sector in Europe depends on illegal or irregular labor availability. This means that a higher number of domestic workers also participate. Because of this, the illegal or legal arrangements commonly used to supplement and enhance the informal economy enjoy high social legitimacy (Bade 2004).

The nation's security and economy were seen as being threatened by many people, including extreme right-wing groups (Tepfenhart 2011). Many events and actions contributed to increasing the number of supporters of these groups, including; operations and the terrorist

attacks that occurred during the period from 2015 to 2016, the financial crises that occurred in some EU Member States, the UK sought to get out of the EU (Brexit), and the decline of political and economic relations with Russia against the background of its annexation of Crimea.

THE ESSENTIALLY EUROPEAN POLICIES TO CONFRONT ILLEGAL IMMIGRATION

The Schengen Agreement

The Schengen Agreement takes its name from the small town of Schengen in Luxembourg, where the agreement was signed on 14 June 1985 by five countries (Germany, France, Belgium, the Netherlands, and Luxembourg). Before the agreement came into force, the borders between European countries were closely guarded and monitored, and passports were checked at border crossings. The Schengen Agreement guarantees freedom of movement between the countries that are parties to it, as one does not need an entry visa and is not subject to inspection or questioning of his passport (Militaru 2019).

However, the only case in which the travel document must be shown in the Schengen area is when entering the first Schengen country, known as the outer border of the site, where the passport is certified with a stamp issued by the government that entered it. No documents will be checked or stamped when crossing additional borders within the Schengen area.

The EU is faced with ensuring the continuity of movement and entry of people and goods and strengthening security to combat organized crime and illegal immigration. After the terrorist attacks of 11 September 2001, the change in international politics helped implement security and develop the Schengen system, the European Border Surveillance system (EUROSUR). The European Border and Coast Guard Agency (FRONTEX) were established and supported (Anderson 2022).

After the Arab Spring in 2011, the European Commission confirmed adherence to the Schengen Agreement and presented its proposals for strengthening and governance of external borders. The council focused on three pillars, first strengthening Schengen governance, second good partnership with Southern Mediterranean Countries, and finally, asylum policies; the focus has been on the review of the Schengen administration to address illegal immigration and ensure effective control of the external borders of all Member States (Fargues and Fandrich 2012). Also, in December 2021, the European Commission revealed its proposals to reform the Schengen Agreement governing movement between its Member States. A reform comes after long demands from those countries, with France pledging to approve it during its presidency of the EU. The targeted changes will lead to better coordination between Member States and enable them to have mechanisms to better deal with the challenges they face, whether on their external borders of the Union or internally among them. It is explained that this is consistent with the European way of life, where 1.7 million citizens live in one country and work in another. Commenting on the proposal, Vice-President of the European Commission, Margaritis Schinas, highlighted that it strengthens the European way of life. It also speeds up the response to the crises threatening the European sphere, including Covid-19, the terrorist threat, and the waves of migration since 2015 to the Polish border crisis (Commission 2021).

The Euro-Mediterranean Partnership in Light of the Barcelona Process

The Barcelona conference dealt with the issue of illegal immigration in the Mediterranean in the third chapter on 'Partnership in the Social, Economic and Humanitarian Fields'. The Partnership Project focuses on monitoring and analyzing the forecasts of migratory movements and their causes and impact in Europe and the Mediterranean partner countries (Joffé 2015, 309-328). The program has followed a comprehensive approach covering all demographic, economic, legal, social, and political issues. Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Syria, Palestine, Tunisia, and Turkey have participated in preparing and publishing studies on various legal, economic and social fields, including the annual report on migration across the Mediterranean, 16 reports, and 37 notes for analysis, the cost of financing the first project, which ran from 2004-2007, was estimated at two million Euros (Commission Européenne 2012). The project's second edition ran from 2008 to 2011 and included all the countries above with an estimated budget of five million Euros (Commission Européenne 2012). The purpose of this project was to strengthen cooperation in the field of migration management to allow partners to find more effective solutions. In return, the project aims to establish mechanisms to encourage opportunities for legal migration, support and strengthen the links between migration and development, and intensify activities aimed at reducing human trafficking and illegal migration and managing mixed flows (Commission Européenne 2012).

The 5+5 Dialogue

In December 2003, in Tunisia, the first summit of heads of state and government of the countries of the western Mediterranean basin, which includes the five Arab Maghreb Union countries (Libya, Tunisia, Algeria, Morocco, and Mauritania) and the five Euro-Mediterranean countries (Italy, France, Portugal, Spain, and Malta) was held (Affairs 2012).

The first summit has taken a set of measures such as information exchange and technical expertise sharing between countries of origin, transit, and receiving countries to prevent and combat illegal immigration and strengthen and make cooperation more effective to fight and resist illegal immigration in the sending and transiting and receiving countries, by adopting a balanced and harmonized approach in this field, especially by developing mechanisms to resist the networks that are used in human trafficking. Then, after nine years, the countries' leaders met again in October 2012 in Malta to give new hope to the 5+5 Dialogue, overshadowed by the Arab revolutions. The summit touched on various topics such as security, defense, and economic cooperation and evaluated other areas of cooperation such as education, environment, and energy. This Dialogue was intended as a Mediterranean security initiative on the 'critical' issue of clandestine immigration (Dialogue 5+5 Research 2017).

The European Neighborhood Policy

The EU launched its neighborhood policy in October 2004, stated in the document establishing this new policy aimed to create a space of peace and good neighborliness based on the EU values and characterized by intense and peaceful relations based on cooperation

(Emerson 2004). It is noticeable in practice that this new European policy had other security goals; in particular, it coincided with the failure of some multilateral policies (the Barcelona Process) due to conflicts within the Mediterranean region. Therefore, the EU directed bilateral policies, that is, with each country separately. This European Neighborhood Policy also addressed the new threats in the European Security Strategy issued in December 2003, including illegal immigration from the southern Mediterranean (Lehne 2014, 3).

The Project of the EU for the Mediterranean

The Union for the Mediterranean is an intergovernmental institution bringing together the European Union (EU) Member States and 15 countries from the Southern and Eastern shores of the Mediterranean to promote Dialogue and cooperation. It is a project that appeared in 2007 and was announced by former French President Sarkozy as a complementary program to the mechanisms of Euro-Mediterranean cooperation and the European Neighborhood Policy. It is worth noting that the outcome of Euro-Mediterranean collaboration is very meager in terms of development due to the European Union's preoccupation with the development of the countries that have recently joined it more than its interest in the countries of the southern Mediterranean (Balfour 2009).

POLICY RESPONSES USED IN CONFRONTING THE PHENOMENON OF ILLEGAL IMMIGRATION

France

All French legislation related to immigration, after its integration into the European Union in its various stages of development, has become mainly associated with European policies, as efforts were made in the European Union to bring all the EU countries' legislation closer together and seek to make it more homogeneous, and justified this through Article 622-1 of the Code of Entry and Stay of Aliens and Right of Asylum. The same principles were adopted by the French state, whereby anyone who provides direct or indirect assistance to a foreigner or facilitates his entry and transit, as well as his residence in the French territory, shall be punished with imprisonment for five years - and a fine of 30 thousand Euros, and then the second and third paragraphs came to expand the concept of the territory to all the Schengen areas, as well as the territories of the state's party to the Migrant Smuggling Protocol, in addition to France working to coordinate with European countries, so that in 2006 it proposed with Germany a proposal that eliminates the problem of illegal immigration, in the meeting that was held in the city of the British Stratford city, in which the interior ministers of the six largest EU Member States participated, as this proposal included reviving the formula to conclude contracts with foreign workers for a limited period of time while granting high percentages of available and time-limited job opportunities to the countries that immigration seekers flee from it. It expressed willingness to cooperate about the return of illegal immigrants, and Britain, Italy, Spain, and Poland supported this scheme. Still, each country in the EU retained its right to exercise its immigration policy and the work stemming from the national sovereignty of each

country (Statewatch.org 2006). In 2010, France, through the Ministry of Immigration, Integration, National Identity and Codevelopment, supported the capabilities of the Greek police to confront clandestine migrants in the southern Mediterranean by sending 18 of its police to join the FRONTEX Rapid Border Intervention Team to protect European borders, especially in the Greek region, which is considered the weakest part in the EU. It was built to stop the entry of clandestine immigrants into it. As the latter takes between 200 and 300 migrants from the southern Mediterranean daily, the European Union, under pressure from the French side, is targeted to send 175 border guards to Greece.

Furthermore, that is after France sent 18 police officers to support the European rapid border intervention teams (ECRE 2010). Then, French Immigration Minister Eric Besson (2009-2010) admitted that this process lists within the implementation of European instructions that included 29 procedures to protect Europe's external borders and combat clandestine immigration; the latter was issued on February 25, 2010 (Broughton and Toucas 2011, 36). Still, this procedure is implementing the policy of "selective immigration that appeared with the advent of French President Nicolas Sarkozy to power, where he provided this concept in his election campaign" (Samers 2010).

France has paid great attention to the laws regulating employment and combating illegal immigration compared to the rest of the European countries due to its great keenness to stop the entry of immigrants from the southern bank of the Mediterranean. In addition to the human factor, it has also allocated two reconnaissance planes and four warships to monitor the Mediterranean to stop migrant boats before they reach Europe (Samers 2010).

Spain

Since Spain joined the European Economic Community in 1986, the cities of Ceuta and Melilla have been considered to belong to European territory and the front line of the so-called 'fortress Europe'. In 1993, fencing around the two cities began under the pretext of preventing illegal immigration and reinforcing and renovating these fences using advanced technologies, including infrared cameras, optical and audio sensors, watchtowers, and radar systems. The Spanish Ministry of Defense has also allocated a satellite to monitor migrant boats from Africa toward the coasts of Spain and Portugal. The 'Spainsat' satellite covers Spain, Portugal, and West African countries like Senegal, Mauritania, and Mali. Since 2001, Spain has had electronic radars along its coasts in the Strait of Gibraltar. Over 50% of foreign nationals residing in Spain did not have a residence permit (López-Sala 2009). Due to the growing concern about irregular migration, the government enacted a reform law to limit the number of foreigners staying in the country. This new law led to the creation of new restrictive measures. The law provided the Interior Ministry with the necessary information about foreigners residing in the country. It also required them to renew their Padrón registration every two years. It also established new visa categories, such as residence visa, that precludes them from working in the country. It also established a new visa category, which allowed migrants to stay in Spain for a while. This type of visa was created to allow people to work and live in the country. Before the new law's adoption, foreign nationals could not be granted a residence permit based on how long they had previously been in Spain. They could only continue to regularize their status through a provision

of the *Arraigo Social* (González-Enríquez 2009). In 2004, the Socialist Party of Spain issued regulations for implementing the Foreigners Law (Real Decreto 2393/2004). These regulations linked various categories of visas and the work permits they were linked to. Before foreign workers could start working in Spain, they had to submit their applications for work permits. They would then be able to apply for a residence and work visa. The law also provided for the regularization procedures of the workers. Foreign workers had to live in Spain for three years for social attachment. They had to show that they have either a work contract or a social insertion in their residence, which can be done through a report from the city hall or their legal migrant relatives. They could also adjust their status after two years of working in the country. The regulations provided for the regularization of various aspects of the country's underground economy. These procedures would result in the issuing of temporary residence permits. As part of the program, the regulations also aimed to address the country's large underground economy (González-Enríquez 2009).

To be considered for regularization, foreign workers had to meet specific requirements. These included having a contract with a validity of at least 6 months and having been registered with the municipality. During the program's first year, it received 700,000 applications. Of these, 578,000 were accepted, while 550,000 signed up to pay into the social security system. The regulations also changed the system's quota system, which was aimed at hiring migrants from their home countries (Levinson 2005, 47-51).

CONCLUSION

The factors driving illegal immigration in the Mediterranean region are many and varied among economic factors, such as the search for livelihood to provide a secure and affluent life is one of the first and most essential motives, in addition to the social factors represented in the lack of peace and social security, and this is due to the prevalence of the class phenomenon at the tribal, sectarian or ethnic level, as well as the political factors represented mainly in the growth of the refugee movement, individually or collectively, as a result of wars and internal conflicts resulting from ethnic or ideological conflicts.

European political and bureaucratic elites succeeded in securitizing illegal immigration and portraying it as a threat to European societal security and economic well-being, which enabled it to put forward and develop purely security procedures and policies related to illegal immigration represented in the development and improvement of systems and bodies whose function is to protect European borders, and added to them the theory of legal securitization.

It is noticeable that there is a close relationship between the variables of security and immigration, especially concerning internal and societal security. Migration flows in large numbers have become a threat to European security and negatively affect the social homogeneity of European countries, which led to a significant rise in xenophobia and Islamophobia and reinforced the theory of the clash of civilizations.

It is noticeable that the phenomenon of the spread of migration in youth, so the promotion of small and micro projects also significantly reduces the sensation of illegal immigration.

The paper suggests adopting a preventive strategy to confront illegal immigration in the Mediterranean region by addressing its causes, especially in the southern Mediterranean countries, considered source countries, for improving economic and social conditions. Also, the need for European countries to adopt an absorption strategy for illegal immigrants through assimilation and integration into Western countries and societies, taking into account their religious and cultural peculiarities and, finally, focusing on the economic and social mechanisms in the face of illegal immigration in the Mediterranean region, given that the economic and social factors are mainly behind the spread of this phenomenon and the repercussions it has on European countries.

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THE POLITICS UNDERPINNING THE BRICS EXPANSION

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Abstract: *The cooperation of Brazil, Russia, India, China, and South Africa, or BRICS, is a vital organization founded in 2009. In the politics of the modern world, there is no denying the significance of this international institution. Throughout its history, the organization has been a strong supporter of developing nations and has earned the reputation of being a guardian. The announcement that BRICS leaders had agreed to expand their organization during the fourteenth BRICS summit, which was held in Beijing, China, in 2022, garnered a great deal of attention from many different regions of the world. This article examines the reasons behind the BRICS' considerable involvement in global politics, the expansion policy, and how the BRICS outreach and the BRICS Plus summit or meeting play a role in this sector.*

Keywords: *BRICS; Expansion Policy; Global Politics; Strategic; Security; Sub-Regionalism*

INTRODUCTION

In today's global politics, various international and regional organizations are established or founded in different parts of the world; based on geographical proximity and shared interests or problems to solve. Every state, whether developed, developing, or least developed, has come to understand the importance of creating regional alliances highlighting their distinct similarities and shared goals with other nations. When these relationships got expanded from one region to another, and sovereign states from the various areas joined together to communicate and work together, they created a new type of broader grouping known as inter-regionalism (Naik 2019). Multiple kinds of regional organizations emerge due to globalization or the silence of some voices in international organizations. Furthermore, in modern international politics, coalitions are essential for bolstering one foreign policy and fighting any governments that go against the interests of other nations. National security was one of every state's most vital national interests during the Cold War. In addition, the formation of military alliances like the North Atlantic Treaty Organisation (NATO), Central Treaty Organisation (CENTO), Southeast Asian Treaty Organisation (SEATO), and the Warsaw Pact became every state's foreign policy's primary objective to stand against any danger from other countries. All other alliances and treaties are inactive or

terminated except for NATO. One of the world's biggest and most powerful military alliances is still NATO.

After the disintegration of the Soviet Union and the end of the Cold war in 1991, there was a detente in military alliance formation and the arms race. The creation of regional international organizations like the European Union (EU), the Shanghai Cooperation Organisation (SCO) in 1996 and the G20 in September 1999 would be the clearest example of détente in manufacturing armaments competition and the turning of the world in economic integration. Most regional international organizations established following the Cold War end focus on discussing policies to ensure global financial stability. Additionally, a new discourse in international politics has been sparked by the advent of new powers in the global system. A shift in the current balance of power in the world is the result of the emergence of numerous nations from the non-traditional superpower club, including Brazil, Russia, India, China, and South Africa (BRICS). These nations, frequently referred to as 'emerging economies' or 'rising powers,' are attempting to establish a new framework for international relations known as inter-regionalism, within which they can pursue their bilateral, regional, and global interactions and objectives (Naik 2019). Inter-regionalism, a recent development in international affairs, is the institutionalization of relationships between world regions. It also represents a new development in the increasingly diverse global order.

The contemporary global environment characterized the rising rivalries and confrontations among significant powers over trans-regional integration efforts and new threats to international security. For example, Beijing considers Australia, the United Kingdom, and the United States of America (AUKUS) and Quadrilateral Security Dialogue (QUAD), a group of Australia, India, Japan, and the United States of America, led by the United States in Asia-Pacific or Indo-Pacific, a threat to national security. Global trends are increasingly driven by emerging markets and developing nations, particularly South-South cooperation between emerging and developing countries; BRICS and Bay of Bengal Multi-Sectoral Technical and Economic Cooperation (BIMSTEC) are relevant examples. All the economic perspectives of a grouping will likely become strategic partners. Moreover, the Russia-Ukraine crisis and growing rivalry between China and other states under the US umbrella in the Asia-Pacific or Indo-Pacific have raised the importance of regional international groups. Every state seeks more partners and conditions to join any organization or group.

Similarly, BRICS has developed into a crucial sub-regional international organization, and its member nations are actively looking to expand their collaboration and partner networks. As a direct result of the 14th Summit of the BRICS, which China essentially hosted, and the decisions made by the member nations to expand BRICS, BRICS has garnered an incredible amount of attention in world politics. The war in Ukraine affects international politics and has led to proposals for the expansion of both NATO and the European Union (Katoch 2022). As a result, the BRICS expansion policy can be regarded as a response to the western blocs' strategy of expanding their blocs and putting more effort into integrating with its allies in Europe and Asia. China, India, and Russia, the three most potent governments that comprise the BRICS grouping, face significant challenges in home and international affairs. The invasion of Ukraine by Russia, the disputes in the Indo-Pacific region's territorial disputes in the South China Sea, and China's one-nation policy are some of the problems now affecting global politics. As a result, the current

state of world politics compels Moscow and Beijing to cooperate to build a constructive partnership against the western blocs. In addition, the western blocs harbor the idea that BRICS could become a platform for Beijing and Moscow to include other members who are the victims of or against the Western bloc to compete with them. This is something that the western blocs have the mindset that anything like this is entirely conceivable.

In contrast, India and China have been engaging in a prolonged conflict regarding their shared border for a considerable time. The competition between the two nations and the inconsistency of their policies in South Asia, Southeast Asia, and the Indo-Pacific area provides an exciting and engaging research subject in international politics. However, Russia acts as the bond of collaboration between India and China. So, the future of BRICS is uncertain and exciting to follow how they will expand members and what procedure, as the organization's operation depends on the relationship among the three most influential states. In addition, several states originating from the Middle East, Latin America, South Asia, and Southeast Asia have expressed an interest in joining BRICS; nevertheless, the incorporation of new members into the organization is strongly dependent on the cooperation of the members who are already present.

This paper examines the significance of BRICS in international politics, the expansion policy adopted from its Fourteenth Summit and how the outreach and BRICS Plus Summit or conference fostered the idea and steps of growth since its inception. In addition, it examines the possible means and barriers to the admission of new members and how the confrontation or bilateral issues between the two most influential members (China and India) in the organization can affect the growth and expansion of BRICS is the subject of this study.

A BRIEF REVIEW OF THE EVOLUTION OF BRICS

Jim O'Neill of Goldman Sachs deserves credit for the formation of BRICS; once he dubbed the first four of these significant emerging economies BRIC in 2001, their combined growth exploded. And it highlighted the rise of Brazil, Russia, China, and India as new economic powers (Agthmael 2012). The emergence of BRICS dates back to Cancun, Mexico, during the Doha Round in September 2003. Two weeks before the meeting, the US and the EU had jointly prepared a skewed negotiating draft they wanted to impose on the World Trade Organisation, which Brazil, India, South Africa and other developing economies rejected at Doha Round (Drysdale 2011). However, the foundation to form the BRICS inter-regional organization can be traced back to when the leaders of the BRIC (Brazil, Russia, India, and China) met for the first time in July 2006 at the G8 Outreach Summit in St. Petersburg, Russia (Sarkar 2014). It was possible to see how BRICS was developing simultaneously. After a brief hiatus, the first BRIC Foreign Ministers' Meeting was held in New York City in September 2006 in conjunction with the UN Assembly's General Debate.

Moreover, a series of significant seminars preceded the inaugural BRIC summit, which took place on June 16, 2009, in Yekaterinburg, Russia, and BRIC became an essential institution in world politics (Sarkar 2014). Since began the foundation stone of the organization in 2009, experts have argued that the 2008 global financial crisis and the reform of western dominance of the international monetary system management, such as the International Monetary Fund (IMF) and World Bank, led to the founding of the BRICS (Sarkar 2014). As a result, South Africa

was allowed to join as a full member of the organization at the BRIC Foreign Ministers meeting in New York in 2010, which prompted the BRIC organization to change its name to BRICS (Brazil, Russia, India, China, and South Africa). Furthermore, South Africa, for the first time, attended the BRICS summit as a full member in the third Summit in Sanya, China, in April 2011 (BRICS 2021). To date, BRICS concluded nine informal meetings and fourteen summits, and there is no gap in the year of the summit. Brazil, Russia, India, and China hosted three summits each, and South Africa hosted two Summits. China hosted the latest summit in Beijing on 23 June 2022, virtually.

On the other hand, when the global financial crisis in the US in 2008 hit the world's economy, that catastrophe opened the door for reconsidering alterations to the structure of international governance. Many regional power confederacies emerged due to the crisis's impact on the world's precarious political and economic conditions, particularly in developing countries. As a result, the BRICS nations have gained significance within the global governance system (Chakraborty 2018). One of the crucial things to remember is that the emergence of BRICS as a collection of big and potent 'new powers' attracts both skepticism and hope. It signifies a threat to US-led Western hegemony in international politics and a quick shift in the balance of power due to growing interdependence among all countries and the subsequent economic and financial crises (Singh 2013). Even Hu Jintao, the former leader of the People's Republic of China, has praised the BRICS nations as protectors and advocates of emerging countries and a force for global peace (Jayan 2012). The US hegemony is one of the critical objectives of the BRICS gatherings.

Furthermore, the developing nations' interests should be represented and protected by the BRICS. The BRICS are now a significant player in world geopolitics, whether one like it or not. The group had the potential to have a structural impact on the international system when it had five members after the addition of South Africa. The impact on one state's identity or future configuration is a structural impact (Laidi 2022). It is an interregional organization, as member countries are from different regions where Latin America, Africa, Eurasia, and Asia converge to form a 'region' of their own. Moreover, it can be highlighted as a hybrid interregional grouping from the Global South. It crosses traditional inter-regionalism definitions, such as bi-inter-regionalism, mega-inter-regionalism, and trans-regionalism (Naik 2019).

THE EMERGENCE OF BRICS AS AN IMPORTANT PLAYER IN GLOBAL POLITICS

BRICS has become an essential or undeniable organization in the present global politics since it has 42 percent of the world population behind its back, and 28 percent of the world economy rests in the organization's members region (Králíková 2014). The percentage of the world's nominal gross domestic product (GDP) contributed by the BRICS nations has increased from eight percent to 22 percent since 2000. As a result, the share held by the Group of Seven (G7) decreased from 65 percent to 45 percent (Wang 2019, 222). From the purchasing power parity (PPP) metric, the BRICS group and the G7 group each account for nearly one-third of the world's total GDP (Wang 2019). It also has two superpowers (China and Russia) in the United Nations Security Council and two states (India and China) with the largest population on Earth, making the organization more significant in contemporary politics. Its members are from four continents and play an essential dominant role in their regions, such as Brazil in South America,

Russia in Eurasia, India in South Asia, China in East Asia, and South Africa in Africa. Therefore, the BRICS' current positions in terms of global governance are undeniable. It will be challenging to handle international issues by side-lining the BRICS in the modern world. It is now beyond dispute that this organization is significant as an emergent global force (Chakraborty 2018). Although the organization's initial aims and focus area lie in economic cooperation and acting as the voice of the international south countries, these five nations' union indicates their desire for a more prominent role in world affairs and access to decision-making power. They intend to create a multipolar international order, and the organization has extended its cooperation beyond investment activities (Naik 2019). The Member States' rising economic clout has elevated BRICS to a crucial stage in world affairs. Some industrialized countries in Europe are looking to the BRICS for support. For example, Cyprus is also looking to Russia and China for financial aid as its economy needs a cash infusion, as Greece approached Beijing for financial assistance for its sagging economy (Chakraborty 2018).

The grouping has three members in the top five military spenders in the world, China, India, and Russia. The United States was first, with \$801 billion in spending in 2021, followed by China spending with an estimated \$293 billion in 2021, an increase of 4.7 percent from 2020 (Stockholm International Peace Research Institute 2022). India ranked top three in military expenditures by spending \$76.6 billion; New Delhi is pushing forward to modernize arms and weapons by producing them in its territory, and 64 percent of its military budget is designated to update domestically produced components (Stockholm International Peace Research Institute 2022). Between India and Russia, the United Kingdom ranked in the top four, and Russia has the fifth most significant military expenditure in the world, with \$65.9 billion. Despite decreasing its military spending in the last decade, it increased by 2.9 percent in 2021 to boost its forces on the Ukrainian border (Stockholm International Peace Research Institute 2022). Many experts believe Russia might grow more in its military budget after the invasion of Ukraine. Thus, keeping BRICS at arm's length would be neglecting the presence or influence of the three most powerful militaries in the world and almost half of the world population.

Geographically, BRICS countries are in an important strategic location. Brazil in the South Atlantic Ocean, South Africa in the Indian Ocean, India in the Indian Ocean and Bay of Bengal, China in the Pacific Ocean, and Russia in the Arctic and Pacific. They occupied most of the world's essential sea routes for trading. Building the third-longest underwater fiber optic cable through the Indian Ocean to connect the Pacific and Atlantic oceans is one of the most critical maritime projects undertaken by the BRICS nations. This "34,000 km long and 12.8 terabit capacity network, the third longest underwater cable in the world, connects Vladivostok in Russia, Shantou in China, Chennai in India, Cape Town in South Africa and Fortaleza in Brazil" (Sakhuja 2014). With this project, the BRICS can create a private, secure intranet and transfer important financial and security information. BRICS countries occupy 29.3 percent of the global surface area. They are among the world's largest emerging economies, accounting for 41 percent of the worldwide population, 24 percent of the global GDP, and 16 percent of international trade (BRICS India 2021).

Furthermore, the leaders of the BRICS countries have promoted cooperative security institutions because they believe the entire maritime community should share the benefits of collaboration. BRICS countries place a high priority on maritime security. Notably, four of the

five BRICS nations have actively combated piracy in the Gulf of Aden (Sakhujia 2014). In essence, the maritime domain presents the BRICS nations with chances to forge shared understanding on various topics, including trade, the security and safety of sea routes, sustainable resource development, and ocean governance. These problems may help the BRICS partners cooperate and build confidence while advancing global security.

On the other hand, during the fifth BRICS Summit in Fortaleza, Brazil, in July 2014, representatives from all states came together to establish the New Development Bank (NDB) and, with its headquarters in Shanghai, China, in 2005, put it into operation (NDB 2021a). Initially, in response to the worldwide financial crisis that took place in 2008, the concept of the NDB was offered by the former Prime Minister of India, Manmohan Singh, by proposing a new institutional instrument for fostering infrastructure development at the G20 Summit that took place in Seoul, Korea in the year 2010 (Wang 2019, 224). However, the idea of NDB was initially discussed inside the BRICS academic forum when India served as the host nation for the summit in 2012 (Wang 2019). The concept of forming the NDB is a direct challenge to pre-existing development banks, most notably the World Bank and the International Monetary Fund (IMF), both of which western nations dominate (Roychoudhury and Vazquez 2022). In addition, the so-called voice reform in the World Bank and the International Monetary Fund (IMF) had been slow and limited for many decades, even though emerging countries had been trying to achieve greater involvement in both institutions. In multilateral finance for international development, Western control of the World Bank and the major regional Multilateral Development Banks (MDBs) affected the priorities and functioning of the various organizations. Developing states feel that the West has dominated essential institutions like The World Bank and the International Monetary Fund (IMF). Both institutions prioritized alleviating poverty, fostering good governance over funding infrastructure projects, and incorporating transitional arrangements into their lending to influence government policymaking, which would be example (Wang 2019). Due to western dominance and their favoring policy while loaning funds, the decision to establish NDB was the right time for the BRICS and developing countries. It became an inevitable institution for funding development projects. NDB does not impose any political conditions on the development financing it offers, in contrast to the World Bank and the IMF, which are partial in how they grant aid to various countries (Roychoudhury and Vazquez 2022). It offers membership to Bangladesh, United Arab Emirates, Egypt, and Uruguay in the NDB, despite not being BRICS members (NDB 2021b). So, expanding the NDB's membership aligns with the organization's goal to become the preeminent financial institution that serves the needs of the world's developing nations.

On the other hand, several important BRICS countries have become epidemic hotspots (Pham 2020), and Covid-19 would be an example. So the healthcare industry is another area where BRICS countries may work together more effectively. With Covid-19 as a backdrop, the New Development Bank of the BRICS unveiled its Emergency Assistance Program loan to help with unexpected health and social security costs. However, how all the five BRICS governments are dealing with the epidemic's horrible effects and the unemployment rate rising in all BRICS states raises questions about the BRICS' potential role to play a more significant role in tackling the global issue.

UNDERPINNING THE BRICS EXPANSION

Since its inception, BRICS has been considered a group of South-South cooperation and resistance to western hegemony in international institutions. Its membership did not increase despite its designation as a group of emerging economies or a developing country protector. After South Africa was granted full membership status in 2010, the expansion of BRICS has been on hiatus for over a decade. Nevertheless, the organization collaborates or interacts with nations that are not a part of the BRICS grouping through the BRICS-Outreach Summit and BRICS Plus. Both of these forums are examples of BRICS-related initiatives. A group's outreach to countries that are not members of the organization can be used as a technique of exerting influence and influencing the policies, views, and interests of the governments of other countries. It is vital to incorporate non-members into the group's consensus to accomplish this, and one way to do so is to do so base on their similar interests and points of view. In short, "outreach can be a group strategy to influence non-members, more precisely to reshape their governments' policies, views, and interests by socializing them into the group's consensus in terms of common interests and views" (Zhao and Lesage 2020, 72). Likewise, establishing networking links with the sub-regions of each nation serving as the rotational president is a component of the BRICS regional outreach strategy. BRICS takes advantage of the fact that it rotates the presidency to achieve a geopolitical advantage by increasing South-South interaction and strengthening institutional ties with the sub-regions it embraces (Siddiqui 2022). For the first time, the BRICS regional outreach was held in 2013 under the chair of South Africa by inviting the African Union (Zhao and Lesage 2020). Through its outreach, BRICS somehow accomplished its goal of becoming a more influential organization.

Furthermore, the BRICS Plus is comparable to the outreach; however, it has a broader scope in inviting state and non-state actors to the organization conference or gathering. As part of China's 2017 Xiamen Summit, the BRICS Plus concept was first proposed and formally introduced for a better cooperative mechanism with nations other than the BRICS (Peng 2022).

Those invited states came from the chair nations' respective sub-regions at the outreach. However, in the BRICS Plus summit, on the other hand, the chair nations could invite any state or non-state actor from any or different sub-regions. It is possible to understand the advancement of the BRICS Plus model within the framework of the shift in China's policy attitude toward the BRICS nations. China's goal is to consolidate both the BRICS and the BRI under its leadership and take the initiative in both initiatives (Zhao and Lesage 2020). On the Chinese side, BRICS and BRICS Plus are both considered potential negotiation avenues. However, both play an essential part in influencing other countries to become members of the organization, which is a requirement for membership. In the meantime, as part of BRICS Plus in the BRICS Foreign Ministers' meeting chaired by China in May 2022, foreign ministers from Argentina, Egypt, Indonesia, Kazakhstan, Nigeria, Saudi Arabia, Senegal, Thailand, and the United Arab Emirates attended the meeting. These constructive efforts taken up by Beijing are unmistakable signs that the growth of the BRICS nations is picking up speed.

Moscow and Beijing are the two who put more effort into and wanted to expand the BRICS organization to reach another level of cooperation. Moreover, after the fifteenth year of its establishment, at the fourteenth Summit in Beijing, China, BRICS nations formally agreed to

admit a new member into the organization for the second time. In response, the Iranian government and Argentina have applied to join BRICS (Peng 2022). Russia wanted a bigger and more capable BRICS because it experienced the western allies' hegemony attitudes in G8 and walked out in 2014. Furthermore, a campaign by the West to boycott Moscow at the upcoming G20 conference in Indonesia also gave Russia a powerful desire to expand BRICS. China is concerned that if the BRICS mechanism is limited to its five members, it will further reduce China's total global effect and Beijing's right to speak in international forums (Singh 2022). Because of this possibility, China expresses concern over the situation, which is something that fears Beijing. Moreover, the rivalry between east and West, BRICS Plus deepening collaboration, and emerging economies' aspirations to join are the significant factors driving BRICS' expansion (Singh 2022).

There are many contradictory opinions and perspectives about the BRICS expansion. Still, one can understand that the idea or step for growth was already underway when the regional outreach started in 2013 and BRICS Plus 2017 occurred. It drew the attention of various states and non-state actors when BRICS nations formally agreed to expand from the fourteen summits due to the Russian-Ukraine crisis and ongoing Indo-Pacific tensions. Moreover, many experts believe that some states from Africa, Central Asia, the Middle East, and Southeast Asia are willing to join the BRICS, which will be a significant blow to the western allies. Further, Iran's application to join BRICS was one of the major concerns for the Western partners, as it would bring together the three nations most affected by US sanctions. From the fourteenth Summit of the BRICS, it decided to establish a think tank network for finance to collaborate on financial issues among the BRICS (Ministry of Foreign Affairs 2022). The risk is that China, Iran, and Russia may use this platform to circumvent US sanctions, posing a negative belief by the Western bloc.

Despite China and Russia having a strong desire to expand the BRICS and emerging economic countries wanting to join the BRICS, there are issues and challenges in allowing new members and in the types of countries that can be accepted or not by all of the present members in BRICS. One of the significant issues or challenges is whether the inclusion of new members should be conducted by consensus among the member by the approval of all the members or a majority vote, as BRICS has no charter and proper legal procedures for the inclusion of new members in the organization. When proposing a new state to become a member, the future could present a significant obstacle to suspicion, bilateral disputes, or disagreement among the members. Since China is using the BRICS expansion diplomatically to relieve the United States' containment and advance China's agenda, India is wary of the expansion. In addition, China hopes to keep BIMSTEC members, especially New Delhi, from straying too far away from the United States (Singh 2022). India is also concerned that China wants a high-quality partnership among the BRICS. It aspires to position itself at the center of economic prosperity for the entire world through the policy of BRICS expansion (Banerjee 2022). So expansion policy may boost China's dominance at the expense of the other members, and the strong aspiration for BRICS expansion by Moscow and Beijing is a source of worry for New Delhi. In addition, one of the major concerns for New Delhi is the fact that Beijing wanted to integrate with its economic ally in the BRICS and even announced its willingness to extend the China-Pakistan economic corridor to Afghanistan during the 14th Summit (Katoch 2022). It sends a message of its desire to include Pakistan in the BRICS organization in a roundabout way.

New Delhi is concerned that including Pakistan in BRICS will allow China and Pakistan to pursue their specific agendas more effectively. As a result, BRICS will become more China-centric due to the membership of many countries with which China already has economic relations.

Moreover, Brazil is unwilling to lower its United Nations Security Council (UNSC) reform bid, and Russia is reluctant to approve the presence of countries friendly to Ukraine (Siddiqui 2022). All these issues and mistrust among the member will impede the expansion of the BRICS. It can be detrimental to the further development of BRICS if New Delhi takes a wrong step or makes a wrong decision because of Beijing and Moscow's firm expansion policies.

RECOMMENDATIONS FOR BRICS' FUTURE GROWTH

To ensure future growth, the BRICS members need to understand that trust deficits or mistrust need to be removed and must place more effort into areas where all members share common interests and challenges. It is essential to acknowledge that any organization or association that does not have a legitimate charter or set of rules that members must follow in the future may affect the members' ability to collaborate. Therefore, the BRICS needs to have the charter at the earliest to improve cooperation, identify particular collaboration regions, and implement appropriate legislative procedures for new members. Other areas of cooperation will be of the utmost importance for the growth of BRICS in the future. In addition, it will be essential for the BRICS to put aside all of those questionable areas, such as proposing new members for a specific state policy, project, or national interest. For example, China's extended full support for Argentina in the BRICS membership process (Pandey 2022) may raise suspicions in New Delhi since Argentina is part of China's Belt and Road Initiative (BRI). Aside from that, the current members must understand that if any state prevents other nations from joining the BRICS, it will be like the founder members having veto power over the organization, which could lead to the organization operating in a way that is contrary to its purpose.

Despite specific grounds for skepticism among the members, the admission of new members into the organization, such as Iran and Argentina, will result in a fabulously increased presence and impact of the BRICS in the Middle East and Latin America. By adding Iran, which has the second biggest gas reserves in the world (Pavicevic 2022), the BRICS groups will gain more economic power on the international stage. Additionally, China and India, the two most significant contributors to BRICS, will benefit in the future since both depend on oil imports. Argentina is the world's leading supplier of soybean oil and meal, the second largest exporter of corn, and a vital exporter of wheat to markets all over the world (Global Times 2022). The country has requested to join the BRICS economic bloc as an opportunity for the BRICS to strengthen its economic power in the food supply on the global platform. Therefore, the potential for increased BRICS collaboration among developing nations in the food supply is very promising if the group expands or allows admission of new economic emerging countries into the organization.

Moreover, the admission and participation of emerging economic countries in the organization will help the BRICS decision to engage constructively in pursuing necessary World Trade Organisation and other institutional reforms for an open world economy, global trade, and rules and governance. In addition, additional members would add to the BRICS networks'

economic complementarities since other resources and commercial advantages would be brought together, enhancing the potential for cooperation. Likewise, developing nations will have a greater chance of jointly coping with the numerous economic shocks created by the hegemony and unilateralism of some developed nations if BRICS welcomes and allows admission to new developing nations in the organization. BRICS, which regards itself as the protector of developing economic countries, will determine how it deals with the new membership application or the desire of the emerging economic nations to join the groups. As a result, there is a need for a sensitive or rational policy while formulating a procedure for new membership admission.

CONCLUSION

Every international organization has a goal or purpose that it seeks to accomplish or pursue, and this goal or objective should be in line with all its members' national interests. Similarly, BRICS is an organization comprised of countries with emerging economies that are united in their opposition to the hegemonic influence of the West in international institutions and their support of changes made on behalf of developing nations. Although the organization's initial aims and focus area lie in economic cooperation and acting as the voice of the international south countries, these five nations' union indicates their desire for a more prominent role in world affairs and access to decision-making power. The percentage of the world's nominal Gross Domestic Product (GDP) contributed by the BRICS nations has increased predominantly. It has also grown into an organization that cannot keep aside because it comprises two of the world's superpowers and the countries with the largest populations. Because of the strategic positioning of its members, the BRICS is an indispensable actor in international politics. The countries' contributions to global trade and security are of critical importance. In addition, the members agreed to increase the number of BRICS members at the fourteenth summit, held in Beijing, China, in 2022. As a result, Argentina and Iran have submitted their applications to become members of the BRICS. These two countries (Argentina and Iran) are on the cusp of becoming major economic powers, are abundant in natural gas, and are significant players in the international food supply market. There is a good chance that some of the developing economies in the Middle East and Southeast Asia may also be interested in the BRICS. It will enhance global power and influence if BRICS can support the aspirations of new emerging or developing countries to join the organization.

Nevertheless, the method and procedure have not been formalized, and BRICS does not yet have a Charter or an appropriate legal framework for the admission of new members. When it comes to advocating or offering complete support to any state's application to become a member of the BRICS, there are suspicions among the members. Therefore, for the growth of BRICS, it is necessary to have a charter at the earliest, and the inclusion of new developing economic countries to give them a more prominent voice in the international organization is an absolute must. In addition, there are regions of antagonism or contradictory policies conducted by India and China concerning the problem of the South China Sea and the Indo-Pacific, both of which have the potential to impede the growth of BRICS. Because India and China are the most influential players or members in the BRICS, the fact that they are antagonistic toward each

other can pose a significant obstacle in formulating and executing any policy inside the organization. It is, therefore, necessary for Beijing and New Delhi to collaborate and set aside their mutual hatred and suspicion of one another to formulate a strategy and policy for BRICS growth and accomplish the goals and objectives of the organization.

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THE ROMANIAN PRESIDENCY OF THE COUNCIL OF THE EUROPEAN UNION. GREAT EXPECTATIONS?

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Abstract: *The post-accession evolution of the new Member States to the European Union benefits from limited attention in the EU studies literature. More scholarly works are needed to map the performance of Romania and Bulgaria. Therefore, this paper investigates Romania's performance during the six-month Council Presidency to the European Union in the first half of 2019. Building on the framework of analysis of Karolewski et al., the paper makes an empirical contribution. It seeks to analyze if Romania lived up to the challenges of the office and managed to consolidate its reputation and show its political maturity during this crucial political moment, which countries only get to play every twelve years. The paper argues that the Romanian government aimed to project the image of an active, dynamic, and efficient actor, consensus orientated but without significant policy ambitions. It was a test it wanted to pass to confirm that Romania no longer represents an exceptional case in terms of its laggardness.*

Keywords: EU Council Presidency; Performance; Romania; New Member States; Post-Accession

INTRODUCTION

In the last decade, after the entry into force of the Lisbon Treaty (2009), the issue of the rotating EU Council Presidencies has generated new attention leading to the emergence of a prolific scholarship. One of the most significant research strands in the EU studies literature is the issue of performance. However, several problems persist, as pointed out by a substantial body of research preoccupied with explaining how EU Member States perform during their six-month term. First, descriptive accounts are dominant. There needs to be a more shared understanding of the theoretical approaches to measuring performance based on a standard set of objective indicators. However, recent theoretical contributions aim to fill this gap (see Toneva-Metodieva 2020; Vidačak and Milošić 2020).

Second, there is a preference for single case studies rather than comparative studies (see Hogenauer 2016; Svetličič and Cerjak 2015), with scarce contributions focused on comparing the performance of the old Member States vs. the new Member States.

Finally, there is limited research on the first-timers chairing the EU Council presidency (Vandecasteele and Bossuyt 2014, 237), although in the last years' research emerged examining the new Member States (Bilcik 2017; Karolewski 2015; Panke and Gurol 2018; Coman 2020).

In this context, this paper aims to contribute to the performance literature on the EU Council Presidencies by examining the new Member States and turning to Romania as a highly pertinent case. First, there is consensus amongst EU policy-makers and academic scholarship that one of the most challenging enlargement rounds in the history of EU accession was represented by the accession of Romania and Bulgaria, as both countries faced tremendous challenges in the accession period due to unfavorable domestic conditions, arguing that they need to be examined differently and by framing these two countries as exceptional cases, employing the concept of laggardness (Noutcheva and Bechev 2008) or laggardness reputation (Pridham 2007b, 236) to explain their road to the EU.

Second, Romania and Bulgaria are the only EU Member States where post-conditionality continued to apply even after both countries became full members of the EU¹. The European Commission designed the Cooperation and Verification Mechanism (CVM) to ensure that Romania will continue consolidating the rule of law and fighting against corruption, even in the absence of the carrots and sticks policy. Based on the arguments presented above and the consent in the literature, it can be concluded that Romania and Bulgaria were not quite ready to join the EU in 2007 and "came in too early" (Grabbe 2014, 45). Considering the context presented above, one important question arises: How did Romania perform during the sixth month EU Council Presidency? Was it able to successfully meet the requirements of the office, or did it fail to address the demands twelve years after assuming EU membership, especially as deep distrust was voiced by a wide range of actors from the European Commission, domestic actors (institution of the Presidency or opposition parties) or Romanian citizens.

APPROACHES TO EXAMINING THE PERFORMANCE OF THE EU COUNCIL PRESIDENCIES

Although there is rich literature examining the accomplishments of the EU Council presidencies, several lacunas persist. First, as (Vandecasteele and Bossuyt 2014, 234) point out, there needs to be more conceptual clarity on the difference between success and influence. The two authors define success in connection with the behavior of the Presidency, reaching its objectives and goals. At the same time, influence translates as the ability of the Presidency to make a difference in policy-making. On the same line, (Bursens and Hecke 2011, 23) define a successful presidency as "realizing the priorities of the program and coping with unexpected events". Second, there are methodological shortcomings. As Metodieva highlights, few analyses advance a methodological framework for evaluating the results in objective, evidence-based terms based on a set of indicators (Toneva-Metodieva 2020, 3), as success is hard to measure (Vandecasteele and Bossuyt 2014, 240).

¹ The European Commission decided to lift the CVM for Bulgaria after the October 2019 Evaluation report which acknowledged the progress achieved in the area of judicial reform, corruption and organised crime. See: Commission reports on progress in Romania under the Cooperation and Verification Mechanism, [Commission reports on progress in Romania \(europa.eu\)](https://ec.europa.eu/eu-justice/justice-portal/content/commission-reports-progress-romania-under-cooperation-and-verification-mechanism) (23.11.2022)

The methodological deficiencies are also raised by (Vidačak and Milošić 2020), who, in their comparative study on the Austrian and Croatian Presidency, propose a set of quantitative and qualitative indicators to measure the performance of the rotating Presidencies.

In the absence of sound methodological frameworks to objectively measure the EU Council Presidencies' achievements, academic scholarship has turned to several factors to explain the success of the Presidencies. One influential research path examined the role and responsibilities of the Presidency. Consistent research also reviewed the conditions of success. 'National conditions' occupy an important role, emphasizing the organization of the Presidency (Bunse 2009), Brussels-based Presidencies (Bursens and Hecke 2011), or the role played by a good reputation which can be understood in terms of expertise and good practices a state disposes of in national policies which can be transferred at European level (Jakobsen 2009, 87).

In their systematic review of the literature (Vandecasteele and Bossuyt 2014, 241) discuss a wide range of domestic variables that shape success: the role played by networks, the size of the country, or the national political context. The 'external context' has also received attention by highlighting the role played by an external stable political and economic environment (Vandecasteele and Bossuyt 2014, 241). Bursens and Hecke (2011) propose a model to study success conditions and distinguish between the EU environment, the domestic environment, and specific issues linked to policy domains (p. 25).

THEORETICAL APPROACH

Starting from the literature which investigates the factors that shape the successful performance of EU Member States during the chairing of the EU Council Presidencies, this paper has selected the approach developed by Karolewski *et al.*, which proposes a framework for understanding and analyzing the results achieved by the Polish Presidency. In their research on the Polish Presidency, the authors make a methodological contribution to how to study performance. The merit of their approach is that they build their framework by grouping the most prominent factors discussed in the literature: the functions of the Presidency, the behavior dimension, and the contingency dimension (Karolewski *et al.* 2015, 669), as explained in Figure 1. As such, this paper builds on the approach of Karolewski *et al.*, 2015 and tests it at the Romanian EU Council Presidency level. This article has selected four variables advanced under the functional demands: management, agenda setting, internal mediation and media spinning. It has excluded inter-institutional agency, a fifth variable proposed by the authors.

Under the behavior dimension, the paper will analyze the capacity of the Romanian government to act as an impartial actor and mediate between European interests. Finally, under the third category, this study will test internal and external factors that can challenge the smooth running of the EU Council Presidencies. Although Karolewski *et al.* propose several factors under the endogenous category, this study has selected the unfavorable domestic political context and the question of reputation and expertise as explanatory variables for interpretation. Last, under external factors, the paper introduces the potential elements that could further challenge a successful and efficient EU Council Presidency.

Functional Demands	Behaviour Dimension	Contingency
Management	Honest Broker	Endogenous Factors
Agenda Setting	National Or European Interests	Exogenous Factors
Internal Mediation		
Media Spinning		

Figure 1: Three-Level Approach (Source: Karolewski *et al.* 2015)

RESULTS: ROMANIA, A SOUND PERFORMER?

Functional Dimension

Management

Romania started the preparation for chairing the EU Council Presidency by adopting several measures in 2017 and 2018. It hosted two reunions of the Trio Presidency (Romania, Finland, and Croatia) in 2017 and 2018. It has also shadowed Austria, which held the EU Council Presidency in the second half of 2018 (July-December), which offered the opportunity to get socialized with the demands and expectations of holding the office of the EU Council Presidency and opened a valuable learning opportunity. The appointment of additional staff and training was another priority. It envisaged strengthening the national administration to equip it better to cope with the tasks by supplementing the number of experts(short-term positions) to 232. It has also created 132 new posts within the Permanent Representation of Romania to the European Union. And not lastly, it has nominated more than 279 vice chairs for working groups, 342 coordinators, and more than 800 experts(Ministry of Foreign Affairs, Press Release 2018).

However, at the same time, the preparation phase was not without challenges, being affected by political turmoil. For example, between 2017 and 2019, Romania changed three Ministers of European Affairs, which are essential in coordinating the preparations. Moreover, Victor Negrescu (Minister of European Affairs) resigned two months before Romania took over the rotating Presidency (November 2018), replaced by George Ciamba, a career diplomat.

Agenda-Setting

Under the motto, 'Cohesion, a common European value', Romania identified several priorities grouped around four pillars: 'Europe of Convergence', 'A safer Europe', 'Europe, a stronger global actor', and 'Europe of common values'. The most notable was strengthening internal security by fighting terrorism and consolidating the Schengen area, the enlargement policy towards the Western Balkans and Eastern Partnership, and combating discrimination and equal chances between men and women.

The Romanian Presidency has advanced legislation in many areas, including economy and finance, employment and social affairs, environmental protection, justice, home affairs, and energy. Successful initiatives adopted EU-wide CO2 reduction targets for heavy-duty vehicles for the first time, aiming at 30% from 2030 onwards (Romanian Presidency of the Council 2019). Another significant achievement announced by the Bucharest executive was finalizing the

negotiations on the Gas Directive, which governs the rules for gas pipelines to and from third countries. Other noteworthy results were strengthening the mandate of the European Border and Coast Guard (Frontex) and establishing a new standing corps of 10.000 staff to be operational by 2027 (Romanian Presidency of the Council 2019).

The Romanian government was also involved in the 2021-2027 Multi-Annual Financial Framework (MFF) negotiations. As a result, it has succeeded in achieving progress, closing ten sectoral files, and opening negotiations on thirteen additional MFF files with the European Parliament (Council of the EU 2019, 2). The talks were to be continued by the Presidencies of Finland and Croatia.

Promoting National Interests? The Schengen Agenda

Nevertheless, as shown previously in a paper published by one of the authors on the relationship between Romania and the European Union, Romania disposed of limited maneuver in the case of national interests (Cugleşan 2020). An indicator is that the Romanian authorities still needed to unlock several Member States' opposition to the Schengen issue during the six-month rotating Presidency. The Netherlands, which had strong objections to Romania's acceptance into Schengen, has upheld its position throughout the six-month EU Council Presidency. On the occasion of the EU Summit in Sibiu (May 2019), Prime Minister Rutte underlined that Romania "will join Schengen when it complies with the rule of law and democracy" (Schengen Visa Info 2019). This negative result shows, that the problems between 2017 and 2018 in the area of the rule of law have taken their toll, with the EU Member States more reluctant than ever to lift their veto. Also, as Wantijen (2013) shows, the states dispose of limited time to reach an agreement during the rotating Presidency (p. 1241).

However, Prime Minister Dăncilă was hoping that a decision on accepting Romania's entry into Schengen would be adopted by the end of the Presidency (Joint Press Conference by Prime Minister Viorica Dăncilă and the President of the European Parliament Antonio Tajani 2019), framing it from a double perspective, caught between the anti and pro-EU dilemma: continuing to employ the anti-EU rhetoric displayed in the last two years (Romanian citizens are treated as second-hand citizens or Romania is a second-hand country), but also from a European perspective (boosting the participation for the European Parliament elections).

This issue complicates matters when it concerns sensitive issues which require unanimity. Also, Finland, which took over the Presidency from Romania, aimed to strengthen the rule of law during its six-month Presidency and could not have pushed the Romanian cause with more success (Cugleşan 2020). Moreover, Finland was one of the EU countries vetoing (2011) in the Justice and Home Affairs Council Romania's bid to enter Schengen. Lastly, Romania and Finland do not have a close working political relationship inside the EU. According to the EU Coalition Explorer, Romania does not consider Finland one of the countries with which it shares interests in EU policy-making (not included among the first 20 EU countries)².

²The EU Coalition Explorer: Out of EU 27, Romania shares the most interest in EU policy-making with Bulgaria(12.6%), Poland(12.6), France(10.7%), Spain(8.7%) and Germany(6.8%). See: [EU Coalition Explorer – European Council on Foreign Relations \(ecfr.eu\)](https://ecfr.eu/coalition-explorer/)

Internal Mediation: Romania as a Consensus Seeker

Romania assumed the Presidency of the Council in January 2019 in a tense relationship with the EU Institutions. First, it had a strained relationship with the European Commission due to the changes introduced in the judiciary and penal code reforms, which determined Jean-Claude Juncker - only a few days before Romania took over the Presidency - to state that "the Bucharest government has not fully understood what it means to chair the EU countries" (Deutsche Welle 2018). Second, EU Justice Commissioner Vera Jourova seconded the European Commission President and hinted at Romania's amateurism, stating: "The EU is expecting Romania to manage the Presidency without hiccups, without combining the presidency work with domestic problematic issues" (Gotev 2018).

After Romania officially assumed the rotating Presidency, the EU actors preserved this stance (exerting pressure and skepticism). At the opening ceremony, the President of the European Council, Donald Tusk, emphasized the importance of playing by the rules and recommended that the Romanian authorities exclude the possibility of cutting corners (Donald Tusk speech 2019). In the same note, the President of the European Commission expressed a warning for the Romanian authorities that there is no compromise on the values of the EU, such as the respect of rule of law (Discours par le President Juncker a la ceremonie d'ouverture de la presidence roumaine du Conseil de l'Union europeenne n.d.).

However, against this lack of confidence expressed by the EU authorities at the debut of the rotating Presidency, Romania managed to have a positive relationship with the European Commission and European Parliament during the six-month mandate. A relevant indicator to capture the cooperation with the supranational institutions is represented by the number of trialogues. In the first six months, it has managed to hold 190 trialogues, performing above average when compared to the Austrian Presidency (150), Finnish Presidency (76), and Croatia (31) (Consilium n.d.). The gap between Romania and Croatia can be explained by the outbreak of the Covid-19 pandemic and the stalemate in the negotiations of the MFF (Vidačak and Milošić 2020, 51).

Finally, the partnership with the General Secretariat also contributes to the success of the Presidency, as the latter is involved in the organization, coordination, and coherence of the activities of the EU Council. At the same time, it offers guidance on training before the outset of the Presidency (Europuls 2017). Prime Minister Dăncilă acknowledged the critical role played by the General Secretariat in the success of the Romanian EU Council Presidency.

Between Consensus and Efficiency

Romania has effectively closed in its six months term 90 dossiers in several areas (Romanian Presidency of the Council 2019), proving to be an efficient political actor and consensus seeker. Several explanations can support this outcome. The research results on the EU Council Presidencies between 2000 and 2012 show that a "common agenda leads to a significant decrease in the amount of time needed to reach a first agreement on regulations, directives, and decisions" (Gruisen 2019, 692) thus, speeding the process.

Also, the culture of consensus in the Council is another variable that explains these results, with unanimity often reached even when qualified majority voting was required (Gruisen, Vangerven, and Crombez 2017).

A relevant case that showed that Romania was consensus orientated was represented by the negotiations within the Multiannual Financial Framework (MFF). Acting as an impartial and neutral broker was the motto of the Rotating Presidency, which Prime Minister Dăncilă reiterated on many occasions as a principle to follow in the MFF negotiations. It managed to close ten sectoral proposals of the MFF. Still, the second negotiating box failed to be adopted due to the contradicting positions of the Member States (Council of the European Union 2019). Romania did not have sufficient experience and political influence (Becker and Stiftung Wissenschaft Und Politik 2019, 32). It was a sensitive issue with the Member States divided on financing the Common Agricultural Policy and Cohesion Funds and Poland and Hungary's opposition to linking the granting of Structural funds to the rule of law.

Media Spinning

During the EU Council Presidency, Romania attempted to rebuild its image eroded by the 2017 and 2018 events. Against the lack of faith in its capacity to meet the standards of the EU Presidency, it aimed to project the image of an efficient state who is up to the challenge, is a disciplined EU state, and maintains good relations with EU institutions and Member States and has a pro-European stance. The strategy to consolidate its reputation can be explained mainly by the anti-EU rhetoric and illiberal tendencies employed by the Social Democrat government in the last two years (2017 and 2018) and distrust of the Romanian citizens in their government which has taken the streets and protests in the amplest anti-corruption protests that the country has witnessed to protect democracy. As evidenced by the case of the EU Polish Presidency (Karolewski *et al.* 2015, 677), the Romanian EU Council Presidency Media Centre also preferred to promote significant events, such as the inaugural opening of the Presidency, the Sibiu summit, or the closing ceremony of the Presidency. To highlight its performance as an efficient leader, the final report of the Romanian government underlined quantitatively the results achieved by focusing on the number of files it has closed or the number of events it has organized, but without explaining the implications or the impact of the results and how they contribute to better EU Policies.

ROMANIA, A NEUTRAL AND IMPARTIAL ACTOR?

Romania has aimed to act as an honest broker, which, as Elgstrom shows, is characteristic of small Member States embracing it more naturally (Elgstrom 2004, 51). This argument can be extended to new Member States, especially when performing for the first time on the main stage and finding themselves in the spotlight. Moreover, acting as an honest broker is more opportune when a member state lacks experience or finds itself in a troubled relationship with the EU (Cugleşan 2020). Romania favored the mediator approach because it is expected for the Member States to act impartially and neutrally. It was the first time after 2007 that it occupied a central role on the European stage. However, more importantly, it needed more expertise and

authority to negotiate more from a national perspective. Coupled with Romania's reputational problems before the start of the EU Council Presidency, Romania did not have any other option than to embrace the neutrality norm and prove to the European partners that it was committed to the "European Union values" (Ilik and Adamczyk 2017, 11-13), promotes consensus and can be a reliable partner.

Thus, it followed this approach in the negotiations of several agenda priorities. In the area of climate and energy policy, it managed to secure an agreement that the rules governing the EU's internal gas market will also apply to gas pipelines to and from third countries. However, the deal included an exemption clause for existing pipelines, which meant it did not apply to the Nordstream 2 project, which is a project that divided the Member States, with Germany and Austria supporting the project, but met with criticism by Poland and the Baltic states. The agreement is framed as a compromise by the Romanian government: "We worked hard to find a compromise that would be acceptable to everyone, and I think we now have a good solution which will guarantee that we have a fair and competitive European gas market" said Romanian energy minister Anton Anton.

Also, in the area of climate policy, an agreement was reached on establishing CO₂ gas reduction emissions for heavy vehicles. Buses were exempted, but trucks had to produce 15% less CO₂ until 2029 and 30% CO₂ starting in 2030 (Romanian Presidency 2019). Noteworthy was the Council's position on the new legislation on the Drinking Water Directive and Water Reuse. According to the European Environmental Bureau, critical of the work of the Council as it was the least ambitious compared to other EU institutions, it praised the efforts of the Romanian Presidency (EEB Assessment of the Romanian Presidency n.d.). However, the Romanian government had to compromise between different interests. For example, Ireland and the UK invoked respect for the principle of subsidiarity in exchange for supporting the Romanian proposal.

On the other hand, Austria appealed to the issue of costs and bureaucracy that it would create for the small drinking suppliers. At the same time, Denmark and Greece wanted more ambitious objectives (EU Environmental Council 2019). Also, Romania made progress in the area of asylum policy. It has extended the European Border and Coast Guard Agency (Frontex) mandate, a standing corps of 10.000 operational staff, which will be active starting in 2027. These new measures advantaged the southern states heavily affected by the 2015 refugee crisis (Warsaw Institute 2019, 9).

However, there was a policy area where the EU Council Romanian Presidency could have deviated from the neutrality norm due to national interests. After joining the EU in 2007, Romania aimed to play an active role in the Black Sea region and ambition to be the most relevant EU member state in Black Sea affairs (Mitat Celikpala 2010, 13). Therefore, during the six-month rotating Presidency, it aimed to set the European agenda and increase the visibility of the Black Sea issues (Results of the Romanian Presidency of the EU Council for the Black Sea Region | Ministry of Foreign Affairs n.d.). As such, two documents were adopted: 'The Strategic Research and Innovation Agenda in the Black Sea region and Common Maritime Agenda for the Black Sea'. As both agendas were to be implemented voluntarily by the Member States, there was no need to break away from the neutrality norm; consultations with Bulgaria, as a critical partner, also took place.

ENDOGENOUS FACTORS

Domestic Conditions

The domestic environment represented an unfavorable context. First, the Romanian government and the Institution of the Presidency represented by Klaus Iohannis disagreed on the capacity and preparedness of the Dăncilă government to hold the rotating Presidency of the Council of the European Union, with President Iohannis voicing public skepticism (Cugleşan 2020). Especially as 2019 was a double electoral year with European Parliament (EP) elections in May and presidential elections scheduled for the end of the year, the political competition between President Iohannis and Prime Minister Dăncilă reached new heights, as both political actors stood in the presidential elections. Also, a successful Presidency could have offered an electoral advantage for the Social Democratic Party in the EP elections, which created more pressure to perform and required the division of the political attention. As such, the Romanian political leadership needed to demonstrate a deep understanding of the responsibilities of the office more than ever.

The results of the EP elections situated the Social Democratic Party in terms of the percentages of the votes after the National Liberal Party (27%), with 22.50%. This was a significant blow, as their coalition partner, ALDE, failed to reach the threshold and enter the European Parliament. It also represented a consequential loss compared to the 2014 elections when it convinced the Romanian electorate to cast their vote in favor of the Social Democratic Party to a great extent (37.60%). Several factors can explain these results.

First, the Romanian electorate got a new opportunity to sanction the government for the illiberal tendencies and democratic backsliding the country had experienced between 2017 and 2018, keeping in mind the 2017 anti-corruption protests, when almost one million people took the streets in several Romanian cities, the most massive protest movement since the fall of the Ceaușescu regime. Second, the pro-EU orientation of the Romanian constituency determined the support for the new pro-EU parties that emerged from the anti-corruption protests placing the Coalition 2020 USR+PLUS Alliance in third place with 22.36%. Third, the Social Democratic Party leader, Mr. Liviu Dragnea, was sentenced to jail on corruption charges just before the May 2019 elections. Also, along with the organization of the European Parliament elections, President Iohannis organized a referendum on justice, an agenda he owned but detrimental to the Social Democratic Party. President Iohannis managed to secure a second five-year term in the presidential election defeating the Social Democratic Party candidate, Viorica Dăncilă.

The variable, a eurosceptic population, influences the ambitions of the Presidency and does not hold in the case of Romania. Romania was one of the countries with strong support for the European Union. Still, the linkage to the EU has deteriorated recently, with dissatisfaction growing among Romanian citizens. As the (Eurobarometer 86 2016) shows, 4 in 10 Romanian are dissatisfied with the EU. Still, regarding attachment, 54% of Romanians feel loyal to the European project, situating Romania in the top 10 out of 28 states in the context of consolidating Eurosceptic feelings among EU citizens.

Reputation and Expertise

Romania joined the European Union, affected by a reputation deficit that predominantly characterized its conduct in the post-accession stage due to its inability to act as a policy-maker. Regarding the contribution to the EU project, and as Hunya shows, Romania has failed to play an active role in shaping the EU agenda and was confined to the role of a policy taker (Hunya 2017, 14). One area of the EU external policies where Romania could have substantially contributed was the EU policies and strategies towards the Western Balkans, the Eastern Neighborhood (Moldova or Ukraine), and the Caucasus (Bechev 2009, 210). Romania has missed the chance to act as a regional broker towards the Western Balkans or find its Eastern vocation partly due to the lack of experience in foreign policy (Angelescu 2011, 137-138) and the lack of strength of the foreign service (Bechev 2009, 222), as the Eastern Partnership was an initiative of Poland and Sweden. It still has to build a strategy for the future and become a policy learner (Cugleşan 2020). During the rotating Presidency, the government placed the issue of EU enlargement towards the Western Balkans, with several bilateral meetings taking place at a governmental level before and during the Romanian Presidency. One of the results was adopting the Council Conclusions on Enlargement and Stabilisation and Association Process adopted in June 2019, reiterating its support for the enlargement policy towards the Western Balkans. More, regarding the Eastern Neighbourhood, it has contributed to the post-2020 Eastern Partnership Agreement (Romanian Presidency 2019). Second, reputation is also connected with its ability to act as a mediator. According to the ECFR Coalition Explorer, Romania has a poor connection with other EU Member States; together with Poland, Spain and Italy is the least influential actor in policy-making (Zerka 2020), punching below its weight, with a slight improvement between 2018-2020, scoring eleventh among EU Member States, probably gaining more visibility due the Romanian Council Presidency.

EXOGENOUS FACTORS

Events beyond the control of the state assuming the leadership of the EU Council has the power to challenge the success of the Presidency, such as external crises. However, when Romania was in charge of leading the EU Council, it had to deal with internal concerns, such as Brexit, as one of the most severe challenges that continental Europe encountered. Former President of the European Parliament Martin Schulz feared that Brexit could trigger “the implosion of the European Union” (Modebadze 2019, 89). The UK was supposed to exit the EU on 29 March 2019 but requested a deadline extension. The European Parliament elections or negotiations of the MFF were other events beyond the Romanian state's control.

CONCLUSION

Romania took over the Presidency of the EU Council six months earlier due to the results of the Brexit referendum. However, Donald Tusk, the European Council President, characterized it as an “energetic and successful presidency” and underlined the “impressive” number of files Romania has managed to close (Donald Tusk 2019) in the short time it had at its disposal to

steer the European Union. In this context, evaluating the Romanian EU Council Presidency was critical by focusing on the performance dimension. Therefore, it has aimed to map how Romania lived up to the expectations of the office by determining the factors that enabled or limited the success of the rotating Presidency. This paper has applied the framework advanced by (Karolewsky *et al.* 2015) in their article on the Polish Presidency. They proposed an analytical approach that grouped the functional demands, the behavior dimension (neutral broker), and a set of endogenous and exogenous factors to explain the performance issue.

The results show that Romania met the functional standards with success due partially to the role played by the Permanent Representation in Brussels or the General Secretariat, which supported Romania in the endeavor. Concerning the behavior dimension, it was loyal to the neutrality and impartiality norm as it lacked the expertise and skills to shape the agenda from a national perspective (see Schengen), was poorly connected to other Member States and showed no sign after 2007 of becoming a policy-maker. Also, it aimed to overcome the image deficit it has suffered more acutely since 2017, so playing the neutrality broker card suited its mission. Given the lack of trust and confidence in its competencies, the Romanian government aimed to project the image of an active, dynamic, and efficient actor, consensus orientated but without significant policy ambitions. It was a test it wanted to pass to confirm that Romania no longer represents an exceptional case in terms of its laggardness.

A critical limitation of this research is that it has yet to test all the variables grouped under the three dimensions (especially the exogenous factors) and supplement the three-level approach with quantitative indicators. Therefore, more data sources are needed to capture the performance behavior of the Romanian state, which can be obtained through interviews.

The paper makes a twofold contribution to the EU Studies literature. First, it covers the case of Romania, which is partially overlooked in the literature examining the new Member States, especially in their post-accession evolution. It has selected the EU Council Presidency. It is a project of critical importance for the Member States, as countries find themselves in the spotlight, and they only get to play the part every twelve years. It is an opportunity to consolidate their reputation and show their political maturity. Second, it makes an empirical contribution to the literature on performance.

Despite emerging literature on the new joiners and the success achieved during the rotating Presidency, Romania's six-month term is not approached from the angle of performance. Future studies should explore the behavior dimension (honest broker) more in-depth or test this approach in a cross-country comparative study at the level of the fifth enlargement wave by looking at Romania and Bulgaria.

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